

contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10075. Also, petition of patrons of star route no. 65170, Yuma County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10076. Also, petition of 64 citizens of Morgan County, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10077. By Mr. FULMER: Memorial of the House of Representatives of the South Carolina Legislature, memorializing Congress to enact suitable legislation to reduce tenancy through the acquisition of farms by deserving tenants and landless citizens; to the Committee on Agriculture.

10078. By Mr. HILDEBRANDT: Resolution of the Gettysburg Service Club, Gettysburg, S. Dak., favoring the Pettengill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

10079. Also, resolution of the Central Labor Union, Huron, S. Dak., favoring the Pettengill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

10080. By Mr. PATTERSON: Petition of Ben F. Rodda and 61 other citizens of Arma, Kans., favoring the enactment of the proposed legislation of the Star Route Carriers Association; to the Committee on the Post Office and Post Roads.

10081. Also, petition of Joe Paola and 60 other citizens of Crawford County, Kans., favoring the enactment of the proposed legislation of the Star Route Carriers Association; to the Committee on the Post Office and Post Roads.

10082. Also, petition of W. H. Markburger and 11 other citizens of Fredonia, Kans., favoring the enactment of the proposed legislation of the Star Route Carriers Association; to the Committee on the Post Office and Post Roads.

10083. By Mr. THOMASON: Petition of the El Paso-Hudspeth County Farm Bureau, requesting the administration to take steps to furnish reduction program for crop year 1936-37 in line with Agricultural Adjustment Administration program; that the organization favors an amendment to the Constitution permitting Federal Government to control crop production; that the 12-cent loan on cotton be extended, and that equities in loan cotton remain intact for the benefit of producers; that Representatives and Senators be requested to protest the Smith bill which calls for sale of from 20,000 to 25,000 bales of cotton weekly; to the Committee on Agriculture.

10084. By Mr. WALTER: Petition of the State planning board of Pennsylvania; to the Committee on Agriculture.

10085. By Mr. WOOD: Two petitions from voters in the Sixth Congressional District, asking for legislation placing star-route carriers in the same category as other rural carriers and postal employees; to the Committee on the Post Office and Post Roads.

10086. By the SPEAKER: Petition of the Seattle Bar Association; to the Committee on the Library.

10087. Also, petition of the Cincinnati Bar Association; to the Committee on the Library.

SENATE

THURSDAY, FEBRUARY 13, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Benson	Bulkeley	Capper
Ashurst	Black	Bulow	Caraway
Bachman	Bone	Burke	Carey
Bailey	Borah	Byrd	Chavez
Barbour	Brown	Byrnes	Clark

Connally	Guffey	McKellar	Reynolds
Coolidge	Hale	McNary	Robinson
Copeland	Harrison	Maloney	Russell
Costigan	Hastings	Minton	Schwellenbach
Couzens	Hatch	Moore	Sheppard
Davis	Hayden	Murphy	Smith
Dickinson	Holt	Murray	Steiner
Dieterich	Johnson	Neely	Thomas, Utah
Donahay	Keyes	Norbeck	Trammell
Duffy	King	Norris	Truman
Frazier	La Follette	Nye	Tydings
George	Logan	O'Mahoney	Vandenberg
Gerry	Louderman	Overton	Van Nuys
Gibson	Long	Pittman	Wagner
Glass	McAdoo	Pope	Walsh
Gore	McGill	Radcliffe	Wheeler

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness, that the Senator from Oklahoma [Mr. THOMAS] is absent on account of the death of his brother, the Senator from Florida [Mr. FLETCHER] is absent in attendance on the funeral of a friend in Florida, and that the Senator from Mississippi [Mr. BILBO] and the Senator from Nevada [Mr. McCARRAN] are necessarily detained from the Senate.

I further announce that the Senator from Kentucky [Mr. BARKLEY] and the Senator from Illinois [Mr. LEWIS] are detained on important public business.

Mr. McNARY. I announce that the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Maine [Mr. WHITE], the Senator from Delaware [Mr. TOWNSEND], and the Senator from Vermont [Mr. AUSTIN] are necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

REPORT ON THE AMERICAN MERCHANT MARINE

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report of the Secretary of Commerce, as successor to the powers and duties of the former United States Shipping Board, pertaining to the American merchant marine and the replacement of vessels in the South American trade, which, with the accompanying report, was referred to the Committee on Commerce.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist, reporting, pursuant to law, that there are on the files of the Treasury Department, the War Department, the Agricultural Adjustment Administration, and the Civil Service Commission, an accumulation of documents and papers which are not needed in the conduct of business and have no permanent value or historical interest, and asking for action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. NORBECK members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Commerce:

Whereas the heavily industrialized, thickly populated, and richly agricultural valleys of some 16 counties of central and southern New York State were on the 7th, 8th, and 9th of July 1935, devastated by disastrous floods with estimable loss approximated at not less than \$50,000,000 and a large loss of life together with an inestimable and cumulative loss in the erosion of rich top soils and the covering of other soils with debris and gravel fans; and

Whereas these losses further were increased by excessive damage to State parks and reservations, highways, and bridges and to town and county highways, bridges, culverts, and other structures through the interruptions of communications, damage to the rights-of-way of common carriers and the transmission lines of public utilities, the loss of crops, farm stock, and the destruction of farm roads, fences, and water systems and the huge inestimable loss of time by individuals and industries due to such interruptions of communication and transportation; and

Whereas State, county, and municipal governments of the State of New York in consequence of such destructive floods have been

obliged to incur for repairs and rehabilitation enormous expenditures which should not ever again be necessary in the areas affected; and

Whereas the catastrophe was such that the services of the American Red Cross were invoked by the President of the United States as a measure of aid in a major disaster and the Chief of Engineers of the United States Army was directed by the President of the United States as an emergency measure to make an immediate survey of the streams and headwaters in the devastated areas with the objective of permanent flood control, the results of which survey will shortly be submitted to the Chief of Engineers of the United States Army and the Army Board of Engineers for consideration and recommendation to the Congress of the United States; and

Whereas a special congressional committee on river improvement and flood control relative to flood conditions in New York State reported to the Congress of the United States on July 29, 1935, after a personal preliminary inspection in the 16 counties affected by the floods of July 7, 8, and 9, that "a program which has for its purpose the protection of these people, their valuable lands, and investments already made in that land, certainly should be undertaken at once"; and

Whereas an emergency condition exists in the valleys of these flooded streams, whose waters drain approximately 10,000 square miles of the State of New York, because of the destruction by the July floods of those natural brakes and deterrents which retard precipitate stream flow; and

Whereas this fact of cumulative emergency and the damage have already been established as a result of moderate rainfall in October and November of 1935, which caused a further loss to those areas of some half a million dollars; and

Whereas there is before the Senate and Assembly of the State of New York reliable technical evidence to support the conclusion that with the stream beds and channels of the flooded area in their present condition any flood, freshet, or high water in this area will now create 10 times the amount of damage that would have resulted in the same area before the havoc wrought by the floods of July 7, 8, and 9; and

Whereas there is before the Senate and the Assembly of the State of New York other reliable technical evidence to support the conclusion that the floods of July 7, 8, and 9, in the counties of central and southern New York represented only 50 percent of the potential maximum flood in those areas under normal stream conditions; and

Whereas public health is menaced by conditions existing in the wake of any and all floods and such menace is cumulative in nature, because of physical conditions created by such floods including the pollution of water supplies and the destruction of sewage systems to the consequent detriment of areas affected; and

Whereas the safety, well being, and the health of the people of the counties so affected, and the capital investment represented, and the lines of communication and transportation, traversing these counties, are of such importance and the emergency condition is so well established by actual technical evidence; and

Whereas because of the conditions hereinbefore related and the element of emergency which is so evident it is incumbent and suggested by the special congressional committee that "a program which has for its purpose the protection of these people, their valuable lands, and investments already made in that land certainly should be undertaken at once": Now, therefore, be it

Resolved (if the assembly concur), That the Legislature of the State of New York by concurrent resolution hereby memorialize the Secretary of War and, through him, the Chief of Engineers of the United States Army, respectfully urging that the report and recommendations for permanent flood control works in these flooded counties of New York State be properly considered as an emergency measure to the end that with the greatest expedition consistent with the efficiency these recommendations be placed before the second session of the Seventy-fourth Congress at the earliest possible moment; be it further

Resolved (if the assembly concur), That the Legislature of the State of New York memorialize the Congress of the United States in its respective houses, requesting:

1. That because of the emergency which exists and the cumulative damage accruing to this large and economically important area of the State of New York the Congress of the United States at this present session enact, upon the recommendations of the Chief of Engineers of the United States Army and the Secretary of War, such authorizing and appropriate legislation as may be necessary for an immediate beginning of such physical construction as may be recommended; and

2. That because the case for Federal flood control on the streams tributaries in the flooded counties of New York is so typical and so factually and statistically substantiated by the orderly processes of survey and fact finding as to establish an important and lasting precedent in a national program of conservation designed to protect life and property in various parts of the United States the urgent need of these 16 counties of New York State for remedial measures be considered as a separate entity of pressing importance to the end that further damage and loss of life and property be avoided with the utmost expedition; and be it further

Resolved (if the assembly concur), That copies of this resolution be transmitted to the President of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, the Secretary of War, the Chief of Engineers of the United States Army, and to each Member of the Congress duly elected from the State of New York.

The VICE PRESIDENT also laid before the Senate a resolution of the International Righteous Government Convention, assembled at New York City, favoring the enactment of legislation providing youth of all ages with complete and proper facilities for trade- and technical-school courses, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution of the International Righteous Government Convention, assembled at New York City, favoring the stopping of all shipments of essential commodities, especially oil, iron, and vital secondary war materials, to present belligerent countries, which was referred to the Committee on Foreign Relations.

He also laid before the Senate resolutions of the Cincinnati (Ohio) and the Seattle (Wash.) Bar Associations, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

He also laid before the Senate resolutions of the International Righteous Government Convention, assembled at New York City, favoring the preservation of peace and the prevention of traffic in war materials or the lending of money to belligerent nations, which were ordered to lie on the table.

He also laid before the Senate the petition of the Parents and Teachers Association of Esperanza County, Arecibo, P. R., praying for the extension of the benefits of the Social Security Act to Puerto Rico, which was referred to the Committee on Territories and Insular Affairs.

Mr. WALSH presented letters from the Boards of Selectmen of Princeton and Walpole, Mass., endorsing a resolution adopted by the Massachusetts State Association of Selectmen, favoring certain changes looking to the simplification and decentralization of the administration of Federal relief, especially to the end that local authorities may be empowered to recommend worthy persons for employment, which were referred to the Committee on Appropriations.

He also presented a resolution of the Massachusetts State Planning Board, favoring the enactment of Senate bill 2825, creating a national planning board, which was referred to the Committee on Commerce.

He also presented a resolution adopted at a meeting of the Massachusetts Association of Polish American Citizens' Club, Inc., at Worcester, Mass., favoring the enactment of legislation for the establishment of a Nation-wide system of social insurance, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by a meeting of the Community Church of Boston, Mass., favoring the enactment of a mandatory neutrality law, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the executive committee of the League for American Neutrality, Boston, Mass., favoring the maintenance of the present American neutrality policy, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the Sisterhood of Temple Israel, Boston, Mass., favoring the preservation of peace, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the conference of the New England Branch of the Women's League of the United Synagogue of America, favoring the preservation of peace and the reduction of armaments through international agreement, and opposing the rearming of the nations, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the board of directors of the International Institute of Lowell, Mass. (Service Bureau for Foreign Speaking People), favoring the enactment of the so-called Kerr bill, pertaining to the deportation of aliens, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the board of directors of the Dorchester (Mass.) Board of Trade, favoring the enactment of the so-called Tydings-Vincent bill, proposing the expenditure of about three and one-half million dollars for the construction of an experimental tank at the Washington Navy Yard to test models for the Navy and the

merchant marine, which was referred to the Committee on Naval Affairs.

PROPOSED PLANNING AGENCY

Mr. GIBSON presented a resolution of the Vermont State Planning Board, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas it is self-evident that progress and orderly procedure in affairs are best promoted through following rational and well-thought out plans; and

Whereas the problems that do now and will in the future confront the State, region, and Nation will be best solved by dispassionate study and examination of the facts and evidence by men competent in their several fields; and

Whereas planning done by the separate States should be in harmonious relation in matters that may extend beyond the boundaries of any State: Therefore be it

Resolved by the Vermont State Planning Board, That a planning agency national in scope should be established by the Congress, both for national planning and for assisting the various regions and the individual States in this work; be it further

Resolved, That copies of this resolution be sent to all Vermont Members of the Congress, to the National Resources Committee, and to the New England Regional Planning Commission.

NATIONAL PARKS AND THE NIAGARA FALLS—PETITION

Mr. WAGNER presented a resolution of the Educational Conservation Society, which was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

Whereas the preservation of scenic beauty and the health-giving influences of unspoiled nature is a public concern; and

Whereas their educational, inspirational, spiritual, scientific, and recreational values are of paramount importance to mankind: Therefore be it

Resolved, That the Educational Conservation Society petition Congress to immediately enact into law the following measures in order to save some of the important scenic places now in danger of destructive exploitation before it is too late to do so: The Nye bill (S. 615) providing for the restoration of the Yosemite sugar pines to Yosemite National Park; the Johnson bill (S. 2289) providing for the establishment of Kings Canyon National Park in California; the Wallgren bill (H. R. 7086) providing for the enlargement of the Mount Olympus National Monument and its establishment as a national park to preserve the Roosevelt elk from extinction; the Carey-O'Mahoney bill (S. 2972) providing for the enlargement of Grand Teton National Park to furnish winter range for the elk; and the Better bill (H. R. 4230) providing for the control and regulation of the waters of the Niagara River and for the preservation of Niagara Falls.

OLIVER WENDELL HOLMES MEMORIAL FUND

Mr. WAGNER presented a resolution of the board of directors of the New York County Lawyers' Association, which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Whereas the late Oliver Wendell Holmes, Associate Justice of the Supreme Court of the United States, provided in his will that the United States Government should be the residuary legatee of his estate, and also left by his will his own private library to the Library of Congress, a large portion thereof consisting of books on jurisprudence; and

Whereas by House Joint Resolution 237 it is proposed that the residuary fund from this estate be credited to the Library of Congress Trust Fund Board, as a special fund known as the Oliver Wendell Holmes memorial fund, the income thereof to be used for the purpose of building up and maintaining a collection of legal literature in the law division of the Library of Congress, known as the Oliver Wendell Holmes collection of jurisprudence: Now, therefore,

The New York County Lawyers' Association wishes to record its approval of the aforesaid joint resolution and the objects and purposes thereof.

DEPORTATION OF ALIENS

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by Warren G. Harding Council, No. 372, of the Junior Order United American Mechanics, Altoona, Pa., relative to the deportation of undesirable aliens, and ask that it be referred to the Committee on Immigration. This is but one of many letters which I have recently received protesting against the weakening of our immigration laws.

There being no objection, the resolutions were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Whereas there is now introduced in the United States Senate a bill which is known as 2969; and

Whereas the passage of this bill would nullify existing laws that govern the deportation of undesirable aliens and replacing with a law that would delegate discretionary powers to a commission in dealing with deportation cases; and

Whereas, with many millions of American people still out of employment who should rightfully have the jobs that are being held by undesirable aliens, the time has not yet arrived when we American people should harbor that class of foreign element: Therefore be it

Resolved, That the members of Warren G. Harding Council, No. 372, Junior Order United American Mechanics, go on record as strictly opposing the passage of this measure—S. 2969—in the Senate, and urge all honorable Senators to vote against its passage; be it further

Resolved, That a copy of these resolutions be sent to Hon. JAMES J. DAVIS and one to Hon. JOSEPH P. GUFFEY, Senators from Pennsylvania, and that a copy be spread upon the minutes of Warren G. Harding Council, No. 372, Junior Order United American Mechanics.

APPROPRIATION FOR PITTSBURGH (PA.) EXPERIMENT STATION

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter of Mr. John W. Finch, Director of the Bureau of Mines, relative to a reduction by the House Committee on Appropriations of \$47,000 in the amount recommended by the Bureau of the Budget. I wish to protest this reduction and ask that this communication be referred to the Senate Committee on Appropriations, and that when this question comes before it the original amount asked of the Bureau of the Budget be restored. On January 13 I addressed the Senate on the work of the Bureau of Mines showing the necessity of this appropriation. I believe it to be thoroughly justified.

I ask consent also to have printed in the RECORD a letter from Mr. George H. Deike, president of the Mine Safety Appliances Co., which shows that the deductions made by the subcommittee of the House Committee on Appropriations are to be used for a new experiment station for the Bureau of Mines at Boulder Dam, Nev. This does not accord with the original request of the Bureau of Mines, the Bureau of the Budget, or with the needs of the coal-mining industry. Again I protest this action and ask for a restoration of the original asking of the Bureau of the Budget.

There being no objection, the matter was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, February 12, 1936.

HON. JAMES J. DAVIS,

United States Senate, Washington, D. C.

DEAR SENATOR DAVIS: Replying to your letter of February 11, regarding a reduction by the House Committee on Appropriations of approximately \$47,000 from the amount recommended by the Bureau of the Budget for work relating to coal at the Pittsburgh Experiment Station for the fiscal year 1937 and its effect on the coal industry of Pennsylvania:

A reduction of \$26,150 in the appropriation "Operating rescue cars and stations and investigation of accidents" was stated in the committee report to be for the purpose of restoring the 1935 appropriation for experimental mine work, coal-dust explosions, and the means of prevention of such explosions. It was stated that the committee believes that the funds expended in giving annual demonstrations of mine explosions and result thereof is too expensive to justify this yearly appropriation.

The demonstrations of mine explosions, given on request to groups of mine operators, miners, and mine inspectors, while extremely valuable as a means of impressing on men engaged in or responsible for coal-mine operations the hazard and destructiveness of coal-dust explosions, constitute only a minor part of the work of the Experimental Mine Section. The expenditure in any one year for explosion demonstrations has never exceeded \$2,000. A misunderstanding on the part of the committee of the functions of the experimental mine is, therefore, apparent.

The research work at the experimental mine, which is its most important function and for which 95 percent of its funds are expended, includes: (1) Tests to determine the different conditions under which coal-dust mixtures of different kinds and from different parts of the country may be ignited; (2) development of methods of preventing ignition and limiting explosions or fires; (3) testing of apparatus and methods for fighting fires underground; (4) studies of methods of ventilating mine workings and vehicular tunnels; (5) design and testing of explosion-proof mine stoppings; (6) testing the compressibility and bearing strength of different rocks and minerals as a basis for estimating strength of pillars and the design of mining methods to meet particular conditions; (7) scientific study of the behavior of roof in coal mines and of various types of roof support.

The mine also serves as a place to test safety lamps, fire-damp detectors, gas masks, mine-rescue apparatus, and chemical fire ex-

tinguishers, and its facilities are used to train Bureau of Mines employees of the Safety Division and to test explosives under operating conditions. These investigations provide important basic data for the Bureau's work in safety that is directed toward improving working conditions and lessening hazards in coal mines and, as such, are of vital importance to the coal operators of your State. The House committee cut would reduce these activities 40 percent and would eliminate an increase granted for the current fiscal year in recognition of the importance of the work.

The committee cut of \$20,000 in the appropriation "Testing fuel", if sustained, will compel the Bureau to shut down the new coal hydrogenation experimental plant at Pittsburgh, which is just now being built at a total cost of about \$30,000 from funds appropriated to the Bureau this year for initiating a study of coal hydrogenation. These funds were granted with the understanding that it would be a continuing investigation, since little can be accomplished in such a study in a single year. In fact, it has taken nearly a year to design, construct, and secure necessary equipment and the highly specialized scientific personnel to operate it. The \$20,000 cut would bring the work to an end when it is just getting started, and the investment in special equipment would be a total loss.

It is well recognized that within an indefinite but relatively small number of years a scarcity will be felt in the supply of liquid fuel from petroleum that will require resort to supplemental sources. Hydrogenation of coal seems to offer the most promising source of liquid fuel to supplement a diminishing supply from present sources. This investigation, therefore, is of general public interest as well as of special interest to coal operators as a means of providing, at some future time, a new use and broader market for coal.

Cordially yours,

JOHN W. FINCH, Director.

—
MINE SAFETY APPLIANCES Co.,
Pittsburgh, Pa., February 7, 1936.

Hon. JAMES J. DAVIS,
United States Senate, Washington, D. C.

DEAR SENATOR DAVIS: There is attached herewith memorandum showing the effect of the deductions made by the subcommittee of the House on appropriations in connection with the work of the Bureau of Mines on coal and coal mining.

These deductions were made by the subcommittee on these two items in order to use this money for a new experiment station for the Bureau of Mines at Boulder Dam, Nev.

The reason why these deductions should not be made are given in the memorandum, but more especially in making these deductions the money is being taken away from Pittsburgh, Pa., in order to be used in some other State, the idea being that the total appropriation of the Bureau of Mines shall remain unchanged.

This is not fair to the work of the Bureau which is being done in Pennsylvania, and I sincerely hope that you will be able to have these amounts restored, to correspond with the recommendations made by the department of the Budget.

Thanking you for your kindly attention in this very important matter, I am

Very cordially yours,

GEO. H. DEIKE, President.

MEMORANDUM ON EFFECT OF DEDUCTIONS OF HOUSE APPROPRIATIONS COMMITTEE ON BUREAU OF MINES WORK ON COAL AND COAL MINING

The House Committee on Appropriations for the Interior Department made the following deductions on the amounts recommended for the 1937 appropriations of the Bureau of Mines by the Bureau of the Budget and from the amounts now being received by the Bureau:

1. A deduction of \$26,150 from the appropriation for investigation of coal-dust explosions, strengths of pillars, means for preventing dust explosions, and similar investigations conducted at the experimental mine at Bruceton, Pa. Under the reduced amount the work will be severely curtailed. The committee gives the following reason: "The committee believes that the funds expended in giving annual demonstrations of mine explosions and the result thereof is too expensive to justify this yearly appropriation."

The committee misunderstands the purpose of the experimental mine. Apparently they think it is for demonstration purposes. This is not correct. It is a research unit and is used for demonstration purposes only incidentally. Perhaps \$3,000 in all was expended for demonstrations last year. However, these demonstrations are important in carrying great weight with coal miners.

2. The committee deducted \$20,000 from appropriations for testing fuel. If this deduction is sustained, it will be necessary for the Bureau to shut down the new coal hydrogenation experimental plant, which was built at a total cost of \$30,000. In fact, it will be shut down before it actually begins operations, because it has taken about a year to design, construct, and secure the necessary equipment and the highly specialized scientific personnel to operate it.

Congress made an appropriation last year of \$25,000 for the hydrogenation of coal, and naturally it was expected that this would be a continuing appropriation because the problem is a difficult one and will require a number of years for solution, and it is obvious that the first year's appropriation would be consumed in designing and building the necessary experimental equipment.

Surely the committee has failed to understand the fact that last year's restorations for fuel investigations carried with them the presumption that this work would be supported continuously. No results can be accomplished in fuel conservation, research, or the

development of new uses for coal in the short space of 1 year. The Bureau is not asking for more money, but does want a continuation of the present amounts so that the work may be efficiently administered.

Following is a list of the members of the Subcommittee on the Department of the Interior of the Senate Appropriations Committee to whom this matter should be explained as soon as possible:

CARL HAYDEN, Arizona; KENNETH MCKELLAR, Tennessee; ELMER THOMAS, Oklahoma; A. B. ADAMS, Colorado; J. H. BANKHEAD, Alabama; J. C. O'MAHONEY, Wyoming; GERALD P. NYE, North Dakota; PETER NORBECK, South Dakota; FREDERICK STEIWER, Oregon; R. D. CAREY, Wyoming.

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on Claims, to which was referred the bill (S. 3125) for the relief of J. A. Hammond, reported it with an amendment and submitted a report (No. 1558) thereon.

He also, from the same committee, to which was referred the bill (S. 536) for the relief of Ada Mary Tornau, reported with amendments and submitted a report (No. 1559) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 3545) for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899, reported it with an amendment and submitted a report (No. 1560) thereon.

He also, from the same committee, to which was referred the bill (S. 2747) to authorize Canal Dredging Co. to bring suit in the Court of Claims against the United States for additional compensation under contract terminated as for the Government's best interests, reported it with amendments and submitted a report (No. 1562) thereon.

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the bill (S. 3781) limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases, reported it without amendment.

INVESTIGATION OF LYNCHINGS

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the resolution (S. Res. 211) authorizing an investigation in connection with certain lynchings in the United States, reported it with amendments, submitted a report (No. 1561) thereon, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 4006) for the relief of certain persons whose cotton was destroyed by fire at Kingsland, Ark.; to the Committee on Claims.

By Mr. DAVIS:

A bill (S. 4007) for the relief of Herbert R. Roberts; to the Committee on Claims.

A bill (S. 4008) granting a pension to Katie Yoos; to the Committee on Pensions.

By Mr. HASTINGS:

A bill (S. 4009) granting an increase of pension to Emma Gibson; to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 4010) for the relief of W. C. Milligan; to the Committee on Naval Affairs.

(Mr. REYNOLDS introduced Senate bill 4011, which was referred to the Committee on Immigration, and appears under a separate heading.)

By Mr. HARRISON:

A bill (S. 4012) for the relief of Willie L. Newsome; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 4013) to expedite the dispatch of vessels from certain ports of call; to the Committee on Commerce.

By Mr. BENSON:

A bill (S. 4014) for the relief of Edward J. Pearlove; to the Committee on Claims.

By Mr. BURKE:

A bill (S. 4015) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

INVESTIGATION OF CAMPAIGN EXPENDITURES IN 1936—AMENDMENT

Mr. HASTINGS submitted an amendment intended to be proposed by him to the resolution (S. Res. 225) for an investigation of campaign expenditures of Presidential, Vice-Presidential, and senatorial candidates in 1936, which was ordered to lie on the table and to be printed.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. CAPPER submitted an amendment intended to be proposed by him to the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AGRICULTURAL RELIEF—AMENDMENT

Mr. COSTIGAN submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL TRADE COMMISSION ACT—AMENDMENT

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (S. 3744) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

REGULATION OF TRANSPORTATION BY WATER CARRIERS—AMENDMENTS

Mr. DAVIS submitted an amendment, and Mr. LONERGAN submitted two amendments, intended to be proposed by them, respectively, to the bill (S. 1632) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, which were severally referred to the Committee on Interstate Commerce and ordered to be printed.

THE CAPITOL BUILDINGS

Mr. HAYDEN submitted the following concurrent resolution (S. Con. Res. 29), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring). That there shall be printed with illustrations and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of the manuscript entitled "The Capitol Buildings of the United States", prepared by H. P. Caemmerer, of which 1,000 copies shall be for the use of the Senate and 2,700 copies for the use of the House of Representatives, and the remaining copies shall be available for distribution as the Joint Committee on Printing may direct.

ELECTRICAL PROJECTS UNDER THE P. W. A.

Mr. NORRIS. Mr. President, I send to the desk a resolution calling on the Secretary of the Interior for certain information, and ask that it be read. Then I will ask unanimous consent for its present consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 235), as follows:

Resolved, That the Administrator of Public Works be, and he is hereby, directed to report to the Senate at his earliest convenience a list of all projects involving the generation, transmission, or distribution of electric power, and all projects for the production and distribution of gas, for which allotments have been made by the Public Works Administration, and to include in such report which projects are under construction, and those which have been delayed because of injunction or other litigation.

Mr. NORRIS. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I inquire if the resolution is addressed to the Commissioner on Rural Electrification or the Secretary of the Interior?

The VICE PRESIDENT. It is addressed to the Secretary of the Interior.

Mr. NORRIS. It is addressed to the Secretary of the Interior.

Mr. McNARY. Would the Secretary of the Interior be able to furnish this information?

Mr. NORRIS. The information called for does not pertain to rural electrification; it pertains to the various projects which have been approved.

Mr. McNARY. Very well.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. ROBINSON. The resolution does not contemplate any expenditure, as I understand?

Mr. NORRIS. Oh, no.

Mr. KING. Mr. President, I should like to ask the Senator from Nebraska a question.

Mr. NORRIS. I yield.

Mr. KING. I was wondering if it would embrace any project, if such there be, that is under the control of Mr. Hopkins and his organization?

Mr. NORRIS. There might be some in that category, but it embraces primarily all projects that the P. W. A. have passed upon.

Mr. KING. If Mr. Hopkins' organization is engaged in these activities, I should be glad to have them included.

Mr. NORRIS. I think, in the case of many of these projects, they are referred also to Mr. Hopkins, but the resolution has relation to the generation and distribution of electricity and gas in various projects all over the United States that have been approved by the P. W. A. and requests a statement as to their condition.

Mr. KING. I have no objection, but I should like to say that if, upon investigation, it shall be disclosed that the organization of Mr. Hopkins has approved projects and is engaged in their development, I may offer a resolution to ask for that information.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10929) to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment, and it was signed by the Vice President.

ABRAHAM LINCOLN—ADDRESS BY SENATOR VANDENBERG

Mr. McNARY. Mr. President, yesterday the distinguished junior Senator from Michigan [Mr. VANDENBERG] delivered a very thoughtful and interesting address before the National Republican Club of New York on the occasion of the anniversary of Lincoln's birth. I ask unanimous consent that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

This natal celebration is devotedly addressed to the memory of Abraham Lincoln, savior of a nation, emancipator of a race. Humble product of our common soil, he came finally to personify the supreme majesty of service and the martyrdom of sacrifice. The cabin confines of his impoverished birth expanded to the boundless benediction of a life and labor as immortal as the genius of a human soul can be. He lives forever in the heart of history, and so long as informed democracy survives he will be canonized by humankind. His litany is ours tonight. It is particularly for us to say, as he said at Chicago on July 10, 1858:

"Let us turn this Government back into the channel in which the framers of the Constitution originally placed it."

I believe the crisis of 1936 is fundamental in this respect. The Chief Executive has frankly expressed his contemptuous wish that no constitutional scruple, however, persuasive, should interrupt his infatuated program. He greeted constitutional rejection of one of his alphabetical atrocities with the arrogant suggestion that everything prior to his dispensation belonged to outgrown "horse and buggy" days. He maintains high ministers of state, who frankly pine for a revolutionary order. His subservient Congress surren-

ders its vital prerogatives with complete abandon each time the White House nods. With particularly revealing significance upon one occasion he asked for \$3,000,000,000, and candidly said, as might the French Louis of old, "I suggest that you appropriate it to me." In the language of the tragically forgotten Thomas Jefferson, eternalized on the first Fourth of July, "He has erected a multitude of new offices and sent swarms of officers to harass our people."

This is not the republic. It is government by Executive decree. In Europe it would be called an uglier name.

Never was the case against administration by boondoggling experts, hot with the rhapsody of their own ill-starred dreams, more conclusively assessed than by one of your own distinguished New Yorkers in 1930:

"The doctrine of regulation by master minds has been too glaringly apparent at Washington. Were it possible to find master minds so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices, men almost godlike in their ability to hold the scales of justice with an even hand, such a government might be to the interests of the country. But there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history."

Such was the verdict penned in advance by one who knows. The author, believe it or not, was Franklin D. Roosevelt.

Do not tell me that the people have lost interest in the forms of their government at a moment when ruthless dictatorships engulf democracy all round the globe. Do not tell me they no longer love the American system which has brought us greater mass advantage than that enjoyed by any other folk on earth. That is not the American character.

It is still true, as Ben Franklin said: "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

When I speak of the American system, let none mistake. It is a system of divided and balanced powers. I believe in a legislature to legislate. I believe in an executive to execute. To keep each from usurping the other's authority and to keep both from tyrannizing a free people, I believe in an untrammelled Supreme Court of the United States. Let those with disappointed appetites assail it. Let the impatient and the intemperate pour their spleen upon its venerated bench. It still will stand in the loyalties of our people so long as they cherish the constitutional warrant of their liberties and seek the retention of their own sovereignty in their own hands.

Lincoln appealed to what he called "the sober second thought" and "the awakened public conscience." So must we. "We are in a trying time," he said; "it ranges above mere party, and this movement to call a halt needs all the help and good counsels it can get." Thus with our time, too. His words in 1858 come crashing down the years:

"Is there—can there be—any doubt that we must all lay aside our prejudices and march shoulder to shoulder in the great army of freedom?"

Lincoln was a Republican. But his appeal transcended party lines; his life served all; and his memory belongs to all Americans, regardless of race, color, politics, or creed. Similarly must his party of today rise above itself and address all citizens who love their institutions. As Washington once said, "It must raise a standard to which the wise and the honest may repair."

What could be of greater cheer than the forthright courage with which many distinguished Jeffersonian Democrats unhesitatingly declare this challenge? This is no more their regime than it is ours. Their 1932 platform is as dead as N. R. A.—not only dead, but mangled beyond all possibility of recognition—high promises which, when contrasted with subsequent performance, are the modern paraphrase of Dr. Jekyll and Mr. Hyde-Park.

Ex-Gov. Alfred E. Smith, of New York, who has earned rather persuasive credentials as a Democrat, says the situation is a "washout"—his word—for the disciples of Jefferson and Jackson and Cleveland. Thereupon he manfully declines to wear "the mantle of hypocrisy."

I give you also the sturdy words of former Chief Justice Pattan-gall, for years the leading Democrat of Maine: "There is only one practical course for Democrats—real Democrats—to pursue. . . . They know that their party has been betrayed, its ideals ridiculed, its policies reversed. . . . The Republican Party is the only agency by means of which it is possible to defeat the New Deal."

Talk about this year's possibility of a "third party." We already have a "third party." Nobody voted for it. Nobody asked for it. Nobody knew it was on the way. But it is here—in power. Against it, and not against traditional Democracy, we aim our crusade. For myself, I welcome Jeffersonian cooperation not only in the battle line but subsequently in the council chamber after next November's victory is won.

We say, in the literal language of the first sentence of the first Republican platform of 1856: "We propose to restore the action of the Federal Government to the principles of Washington and Jefferson."

In recalling Lincoln, we must emulate him as the greatest liberal of his time. His viewpoints were uncompromisingly loyal to the great American fundamentals; but they were not blind to progressive developments within these boundaries. That would be my definition of today's essential liberalism. A liberal is a fundamentalist who declines to be static.

New conditions require new treatment; but as the moral law never outruns the Ten Commandments, so our governmental necessities do not outrun the limitations of the Constitution and the noble philosophy of the traditional American system. Our problem,

in a word, is to consolidate the gains and liquidate the errors of the last 3 years. There have been some gains. There have been tragic errors.

I sustained the President in his original emergency program—precisely as I hope always to sustain any President in emergency—and I shall always credit him with high courage and impulse in many of these earlier situations. But I could not follow him—then or now—when he creates more emergencies than he cures. No such mortality is required of liberalism.

Liberalism may be defined more specifically. It recognizes human rights as superior to property rights, but it assigns solid sanctuary to both within the written law. This was the Lincoln conception when he said:

"Labor is prior to and independent of capital. Labor is the superior of capital and deserves much the higher consideration. But capital has its rights, which are as worthy of protection as any other rights."

Lincoln never hesitated to strike out for the mass security and advantage. He was the relentless foe of privilege and exploitation. He recognized that Government must accept a broadening social responsibility for the mass welfare of all our people. He stood for the broadest possible distribution of American opportunity to the whole of our mass citizenship. Every impulse of his career was lifted from the Declaration of Independence, but then faithfully molded within the Constitution and the law. These, too, must be our impulses in 1936. Thus implemented and inspired, we cannot fail to restore our Republic. We shall again be citizens instead of subjects. States will be States again instead of provinces in pawn.

Yes; provinces in pawn! Having piled their pay-rollers into every nook and cranny of the Capital—with an overflow which commanders entire hotels and often seeps into luxurious private mansions which rugged individuals once dared to build—these cramped but eager bureaucrats, restless with imperial complex for expansion, now sigh for more abundant fleshpots. We hear of aspirations to cut our luckless country into a dozen regional subcenters of administration with a dozen little capitals—all still responsive, of course, to the wizardry which still shall utter final wisdom from the hub. Each shall have its T. V. A. and each its ETC. For each a Quoddy and a ship canal. Each shall summon its own retainers to its own \$50 dinners—to be eaten in the awed and hungry presence of its own unemployed. Each shall have a silver and a greenback printing press; and each shall have a full-rigged Santa Claus. Here shall be congenial feudal setting for those "satellite cities" which are benevolently promised for our regimented occupation. Here new battalions of commissars and caliphs shall summon the faithful to bread and circuses, promising new public jobs, and asking little more than recurrent election in return. Here shall be convenient outposts of new despotism busily engaged in reducing life and livelihood to the chosen pattern which shall succeed democracy. Let those who like the vision nurse it to their bosom. Let those who do not like it, either in present form or in prospectus, smash it at next November's polls.

It is a favorite habit with these reigning gentlemen to ask us to specify our complaints and recommend our substitutes. Sometimes it seems to me that they voice this challenge with the truculent assurance of a cook who feels certain that when an omelette has once been made it is impossible to restore the eggs. They shall be specifically answered in the next Republican national platform, which must speak not only with courageous candor but also with a dependable dedication that shall shame the repudiations of the last 3 years.

The first responsibility is to provide employment and reasonable subsistence pending its achievement. This cannot be done by primary reliance on public works financed from an empty Public Treasury. This ceases to admit of denial in the presence of relief and work-relief rolls as challenging today as when the cruel crisis began. It cannot be done by prodigal expenditures which are half dole and half wage—with all the infirmities of the former and none of the advantages of the latter. That formula is now collapsing, and with the collapse is coming the predicted tragedy of throwing direct relief back upon local resources which, in many places, are exhausted. It cannot be done by socialistic sorties, which fling the Government into competitive business against its own citizens.

When it finally shall have been done, it will have been by reliance on private industry and private trade released to recuperated economic health in the standard American fashion. It will have been done precisely as the great automobile industry already has done it—not under bureaucratic whip and spur, not under the false philosophy of high price and low production, but by the free impulse of courageous private citizens in business, who provide more value for less money and who thus benefit capital, labor, and consumer alike.

Whenever private business involves a public interest there must be restraint and control by law. Never again, for example, can market exploiters enjoy an open-hunting season with its widespread casualties. Again, the well-nigh complete emasculation of the antitrust laws since 1933 has been a tragic lapse which demands courageous correction. But the great body of American business is honest, capable, and legitimate. All it needs is credit and a chance.

A mere permissive "breathing spell" is not enough. The phrase itself confesses that the process heretofore has been one of artificial respiration. It candidly prophesies that we are soon to be returned to the oxygen tent where life is licensed and survival is a matter of benevolent rations. A "breathing spell" is not enough. We want permission permanently to use our own lungs and breathe our own free air. Indeed, it should not be a matter of

"permission" in America. It should be a matter of inalienable right.

I do not quarrel with recourse to expedients in an emergency. But I do quarrel with reform which retards recovery—and particularly with objectionable reform which uses depression as an excuse to handle us like experimental guinea pigs.

Some tonics are good. But we are now ready for restoratives rather than narcotics. Business is better because the inevitable cycle has long since reached the upswing. The forces of recovery are straining at the leash. They beg for a chance—and the best welfare of 10,000,000 unemployed join the prayer. Business was supposed to die when N. R. A. expired. Indeed, the President summoned us to its deathbed with sepulchral platitudes which invited hopeless gloom. But a unanimous Supreme Court vindicated the Constitution; and, in the presence of proof that this still is a land of law, business declined its proffered funeral and commenced to boom. It gained confidence when Rhode Island went Republican. It gained again when Congress adjourned. It gained again when the President and his two chief spenders betook themselves for a month into far distant southern oceans. Business lost some of its timidity. It needs to lose much more. It will—if it has a chance.

National planning is a necessity, but the planning needed is not the Washington planning of sophomore overlords who never met a pay roll or bore the heat of industrial responsibility. The planning needed is by private business, the rank and file of our business life. I dare to wish that they may plan for labor to share with capital in the division of profits after each has been paid its primary due. I dare even to dream ultimately of the yearly wage. Government will be forced one day to act if adequate voluntary action does not develop a new industrial security and justice. But first, I emphatically repeat, private planning must have its wholesome chance. It cannot have this chance until Government clears the track and sets its own house in order.

Some of these necessities are obvious. They are intermittently recognized even by the administration itself, which now frequently makes pious gestures of deathbed penitence as we draw nearer November's reckoning.

How can business make long-range plans so long as an unbalanced Federal Budget jeopardizes the public credit and threatens pyramiding taxes? We still spend \$2 for every \$1 we take in. We still rely upon trick arithmetic to partially close the gap. We still prime pumps and then solemnly pump the priming. We still add Federal employees to the swollen rolls at the rate of 10,000 every 90 days—with civil service and the merit system pummelled to a ghastly pulp. We still encourage restless groups of distraught citizens to contemplate Uncle Sam as old Saint Nicholas and his reindeers as common carriers for Treasury checks. At last count a total of slightly more than 10,000,000 were participating in the distribution. Some of the distribution must continue because no American shall go without food, clothing, and shelter so long as any American resources remain. But all real necessities can be met in a rational way, if Federal relief funds, prorated to the States, are returned to the responsibility of the States to disburse; and still, with a program of courageously equitable taxation, plus a program of common-sense economy, the Federal Budget can be balanced. It must be balanced without much more delay. It is more than economic hazard; it is also moral cowardice for us longer to continue to charge our bills to our grandchildren.

I remind you of New York that you pay an average of 28 percent of the Federal bills. Your share of this administration's ultimate deficit will be about \$4,000,000,000. That is what you of New York must one day dig up to pay for this debauch.

Let none fail to identify the burden bearers when costs of government multiply, when public funds are squandered, when taxes are piled upon the land. There is no immunity for any citizen. It may be a direct assessment. It may be indirect through insufferably high living costs. But, as the President himself has said, all taxes are paid in the sweat of man's brow. We have perspired already. But the real sweating days yet lie ahead—unless common sense swiftly substitutes for this contemporary spree. The country is hungry for this common sense.

Again, how can business make long-range plans so long as it does not know from one hour to the next what will be the value of the money in which its commitments will come due? We have flung the dollar to a lottery at the mercy of Executive whim. On the one hand, we repudiate our gold obligations and soil the national honor for the first time in 150 years; on the other hand, we pile up gold and sterilize it in Midas hoards. Meanwhile we pay bonanza prices for all the silver the speculators of earth care to dump into our duped and exploited vaults. It is a fiscal shambles. As swiftly as practicable we must again stabilize our money and restore the yardstick of dependability. We want precisely what the Democrats promised in 1932—an aspiration which has now become their epitaph. We want "a sound currency to be preserved at all hazards."

Again, how can protected business—and half of our industrial life and labor is dependent upon tariff protection—make long-range plans so long as the tariff system is wholly at the unchecked mercy of secret Executive negotiations which may wipe out this reliance overnight? American tariffs should measure as accurately as possible the difference in cost of production at home and abroad. They should not measure the cloistered and wishful guesses of bureaucrats with free-trade inclinations. Least of all should they be fixed in violation of the clear constitutional mandate that none but Congress shall determine this vital public policy.

You can desert tariff protection if you please; but when you do, you deliver this Nation to an alien invasion which is deadlier at the customhouse than at the immigration port.

Remove these and kindred uncertainties from America's economic equation. Give American industry and labor a fair chance.

Then agriculture must have its full place in this scheme of things. It is entitled to cost of production and a fair profit. Its maladjustment must be permanently corrected or our economic system becomes a house of cards. The heart of the Farm Belt is just as much in New York City as in Iowa or Kansas. On the one hand, prosperous industry must provide consumers for farm products. On the other hand, prosperous agriculture must provide consumers for industry. If we cling to Lincoln idioms tonight, this house divided against itself cannot stand.

The American consumer rightfully resents increased living costs incidental to artificial scarcity which mocks man and defies God. But the American consumer cannot afford not to pay the reasonable price of rational aid to the constructive farm achievements upon which our mutual prosperity depends.

The problem, in simple terms, is to assure the farmer the benefit of the two-price system. This is the secret of most industrial success—a profitable domestic price undepressed by world prices—exports at the competitive world price. But surplus agriculture, harassed by kindred necessity, is forced to suffer the one-price system—the world price—because its tariffs are not wholly protective and because a business with 40,000,000 partners lacks effective marketing cohesion. It demands and deserves parity with industry in these respects.

The first necessity is absolute control of the domestic market. The President was right when he said 3 years ago at Baltimore: "It is absurd to talk of lowering duties on farm products, and I do not intend to do it." But he did. It was just one more of those "horse and buggy" promises which were jocularly committed to oblivion when the new Olympus opened its box of tricks. Meanwhile, at the same moment, when native farmers are ordered to curb production, we simultaneously admit greater farm imports from foreign farmers than ever before. From 1607 to 1935 we fed ourselves. In 1935 we had to turn to the outside world for help. It would be funny if it were not so tragic.

The second necessity is to give the farmer the mechanism—not to destroy crops and thus ultimately to destroy himself—but to provide orderly external and internal marketing of his surplus crops, the former at world prices, the latter at domestic prices. Soil conservation is an obvious corollary. The next Republican National Convention must be prepared to offer specific recommendations upon this score which will be more than the "scrap of paper" upon which the President wrote his tariff promise in 1932.

This answer must escape the present contradiction which creates new reclamation areas while it retires existing farms; which retires domestic farms while admitting vast products from foreign farms; and which produces less food in the face of more hunger. The final answer will quit trying to fool the farmer—as when his professional friends at Washington recently increased the size of the corn bushel in the hope he won't realize that the Government loan per bushel has been reduced.

When healthy industry again produces urban purchasing power; when the total of our population is fed as it ought to be fed; and when farm marketing automatically enjoys the two-price system, there will be a permanent answer to the farm problem.

These are some of the considerations which citizens must confront. I join the President in praying for the greatest dissemination of facts. Unfortunately, this light of facts burns ominously low in much of the strategy which we confront. There is Mr. Farley, for example, who recently announced that this will be a "dirty campaign" and who then hastened to the hustings to vindicate his reputation as a prophet. The vindictive political technique to be embraced by defenders of the "new ordeal" also was made clear by its own chief spokesman, who recently turned the high rostrum of the House of Representatives into a Presidential soap box for the first time in our history. Any who do not accept the complete wisdom of these new programs are bad men and women with false hearts and mean souls. If you falter in approval of some fantastic novelty, you are just too dumb to appreciate the finer things of life. If you question the waste of public money, you want to starve your fellow citizens, according to the self-serving nonsense of the hour. If you protest that your business must sink beneath these new burdens, you are a "cry baby." If you criticize farm dictatorship—there is no mincing of words—you are a "liar." If you prefer the Constitution to the alphabet, you are a public enemy. If you dislike the spectacle of private business crushed by Government competition, you are an odious money changer. These are the intemperate, intolerant implications of a class-baiting strategy which would inflame those whom it could not otherwise persuade. There may be those who deserve this capital punishment. But as a political philosophy in a land of free speech and free thought it is intolerable. It is not the attitude of him who spoke "with malice toward none, but with charity for all." It is not the language of "good neighbors." It invites national disunion. It is the favorite formula of subversion. It lacks candor, sportsmanship, and fair play. It will neither fool the American people nor divert their wrath.

Future generations will look back upon 1936 as one of the great epochs in constitutional democracy. We are at crisis—not alone a crisis in politics and economics but equally a crisis in character. It is a crisis in character not alone for our institutions. It is a crisis in character for the traditionally free and self-reliant citizen. It is a crisis in spiritual as well as material values.

We dare not fall our responsibilities. Let us cling tenaciously to the indispensable fundamentals of the Republic. Let us reject the counsels of clamor and black magic. But let us move forward in courageous pursuit of constantly progressive social and economic justice and equality, and an ever-broadening distribution of American opportunity within the boundaries of constitutional democracy. This was the Lincoln spirit. I believe it is the Lincoln challenge. From it we, too, shall not retreat.

FREEDOM OF THE PRESS—OPINION OF SUPREME COURT

Mr. BORAH. Mr. President, the Supreme Court a few days ago rendered an opinion on a subject in which I believe the public generally is interested. I ask permission to have printed in the RECORD the opinion of the Court dealing with the subject of freedom of the press.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States. No. 303. October term, 1935. *Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana, appellant, v. American Press Co., Inc., et al.* Appeal from the District Court of the United States for the Eastern District of Louisiana (Feb. 10, 1936).]

Mr. Justice Sutherland delivered the opinion of the Court.

The suit was brought by appellees, nine publishers of newspapers in the State of Louisiana, to enjoin the enforcement against them of the provisions of paragraph 1 of the act of the Legislature of Louisiana, known as act no. 23, passed and approved July 12, 1934, as follows:

"That every person, firm, association, or corporation, domestic or foreign, engaged in the business of selling, or making any charge for, advertising or for advertisements, whether printed or published, or to be printed or published, in any newspaper, magazine, periodical, or publication whatever, having a circulation of more than 20,000 copies a week, or displayed and exhibited, or to be displayed and exhibited by means of moving pictures in the State of Louisiana, shall, in addition to all other taxes and licenses levied and assessed in this State, pay a license tax for the privilege of engaging in such business in this State of 2 percent of the gross receipts of such business."

The 9 publishers who brought the suit publish 13 newspapers, and these 13 publications are the only ones within the State of Louisiana having each a circulation of more than 20,000 copies a week, although the lower court finds there are 4 other daily newspapers each having circulation of "slightly less than 20,000 copies a week", which are in competition with those published by appellees, both as to circulation and as to advertising. In addition, there are 120 weekly newspapers published in the State, also in competition, to a greater or less degree, with the newspapers of appellees. The revenue derived from appellees' newspapers comes almost entirely from regular subscribers or purchasers thereof and from payments received for the insertion of advertisements therein (*Grosjean v. American Press Co., Inc., et al.*).

The act requires everyone subject to the tax to file a sworn report every 3 months showing the amount and the gross receipts from the business described in section 1. The resulting tax must be paid when the report is filed. Failure to file the report or pay the tax as thus provided constitutes a misdemeanor and subjects the offender to a fine not exceeding \$500 or imprisonment not exceeding 6 months, or both, for each violation. Any corporation violating the act subjects itself to the payment of \$500 to be recovered by suit. All of the appellees are corporations. The lower court entered a decree for appellees and granted a permanent injunction (10 Fed. Supp. 161).

First. Appellant assails the Federal jurisdiction of the court below on the ground that the matter in controversy does not exceed the sum or value of \$3,000,000, as required by paragraph 1 of section 24 of the Judicial Code. The case arises under the Federal Constitution; and the bill alleges and the record shows that the requisite amount is involved in respect of each of six of the nine appellees. This is enough to sustain the jurisdiction of the district court. The motion was to dismiss the bill—that is to say, the bill in its entirety—and in that form it was properly denied. No mention to dismiss was made or considered by the lower court as to the three appellees in respect of whom the jurisdictional amount was insufficient, and that question, therefore, is not before us (*The Rio Grande*, 19 Wall. 178, 189; *Gibson v. Shufeldt*, 122 U. S. 27, 32).

Second. The objection also is made that the bill does not make a case for equitable relief. But the objection is clearly without merit. As pointed out in *Ohio Oil Co. v. Conway* (279 U. S. 813, 815), the laws of Louisiana afford no remedy whereby restitution of taxes and property exacted may be enforced, even where payment has been made under both protest and compulsion. It is true that the present act contains a provision (par. 5) to the effect that where it is established to the satisfaction of the supervisor of public accounts of the State that any payment has been made under the act which was "not due and collectible" the supervisor is authorized to refund the amount out of any funds on hand collected by virtue of the act and not remitted to the State treasurer according to law. It seems clear that this refers only to a payment not due and collectible within the terms of the act and does not authorize a refund on the ground that the act is invalid. Moreover, the act allows the supervisor to make remittances immediately to the State treasurer of taxes paid under the act and requires him to do so not later than the thirtieth day after

the last day of the preceding quarter, in which event the right to a refund if not sooner exercised would be lost. Whether an aggrieved taxpayer may obtain relief under paragraph 5 is at best a matter of speculation. In no view can it properly be said that there exists a plain, adequate, and complete remedy at law (*Davis v. Wakelee*, 156 U. S. 680, 688; *Union Pacific R. R. Co. v. Weld County*, 247 U. S. 282, 285).

Third. The validity of the act is assailed as violating the Federal Constitution in two particulars: (1) That it abridges the freedom of the press in contravention of the due-process clause contained in section 1 of the fourteenth amendment; (2) that it denies appellees the equal protection of the laws in contravention of the same amendment.

The first point presents a question of the utmost gravity and importance; for, if well made, it goes to the heart of the natural right of the members of an organized society, united for their common good, to impart and acquire information about their common interests. The first amendment to the Federal Constitution provides that "Congress shall make no law * * * abridging the freedom of speech or of the press * * *". While this provision is not a restraint upon the powers of the States, the States are precluded from abridging the freedom of speech or of the press by force of the due-process clause of the fourteenth amendment.

In the case of *Hurtado v. California* (110 U. S. 516) this Court held that the term "due process of law" does not require presentment or indictment by a grand jury as a prerequisite to prosecution by a State for a criminal offense. And the important point of that conclusion here is that it was deduced from the fact that the fifth amendment, which contains the due-process-of-law clause in its national aspect, also required an indictment as a prerequisite to a prosecution for crime under Federal law; and it was thought that since no part of the amendment could be regarded as superfluous, the term "due process of law" did not, ex vi termini, include presentment or indictment by a grand jury in any case; and that the due-process-of-law clause of the fourteenth amendment should be interpreted as having been used in the same sense, and as having no greater extent. But in *Powell v. Alabama* (287 U. S. 45, 65, 68) we held that in the light of subsequent decisions the sweeping language of the *Hurtado* case could not be accepted without qualification. We concluded that certain fundamental rights, safeguarded by the first eight amendments against Federal action, were also safeguarded against State action by the due-process-of-law clause of the fourteenth amendment, and among them the fundamental right of the accused to the aid of counsel in a criminal prosecution.

That freedom of speech and of the press are rights of the same fundamental character, safeguarded by the due-process-of-law clause of the fourteenth amendment against abridgment by State legislation, has likewise been settled by a series of decisions of this Court beginning with *Gitlow v. New York* (268 U. S. 652, 666) and ending with *Near v. Minnesota* (283 U. S. 697, 707). The word "liberty" contained in that amendment embraces not only the right of a person to be free from physical restraint but the right to be free in the enjoyment of all his faculties as well (*Allgeyer v. Louisiana*, 165 U. S. 578, 589).

Appellant contends that the fourteenth amendment does not apply to corporations; but this is only partly true. A corporation, we have held, is not a "citizen" within the meaning of the privileges and immunities clause (*Paul v. Virginia*, 8 Wall. 168), but a corporation is a "person" within the meaning of the equal-protection and due-process-of-law clauses, which are the clauses involved here (*Covington & Turnpike Co. v. Sanford*, 164 U. S. 578, 592; *Smyth v. Ames*, 169 U. S. 466, 522).

The tax imposed is designated a "license tax for the privilege of engaging in such business"; that is to say, the business of selling or making any charge for advertising. As applied for appellees, it is a tax of 2 percent on the gross receipts derived from advertisements carried in their newspapers when, and only when, the newspapers of each enjoy a circulation of more than 20,000 copies a week. It thus operates as a restraint in a double sense. First, its effect is to curtail the amount of revenue realized from advertising, and, second, its direct tendency is to restrict circulation. This is plain enough when we consider that, if it were increased to a high degree, as it could be if valid (*Magnano Co. v. Hamilton*, 292 U. S. 40, 45 and cases cited), it well might result in destroying both advertising and circulation.

A determination of the question whether the tax is valid in respect of the point now under review requires an examination of the history and circumstances which antedated and attended the adoption of the abridgment clause of the first amendment, since that clause expresses one of those "fundamental principles of liberty and justice which lie at the base of all our civil and political institutions" (*Herbert v. Louisiana*, 272 U. S. 312, 316) and as such is embodied in the concept "due process of law" (*Twining v. New Jersey*, 211 U. S. 78, 99), and, therefore, protected against hostile State invasion by the due-process clause of the fourteenth amendment (cf. *Powell v. Alabama*, *supra*, pp. 67-68). The history is a long one, but for present purposes it may be greatly abbreviated.

For more than a century prior to the adoption of the amendment—and, indeed, for many years thereafter—history discloses a persistent effort on the part of the British Government to prevent or abridge the free expression of any opinion which seemed to criticize or exhibit in an unfavorable light, however truly, the agencies and operations of the Government. The struggle between the proponents of measures to that end and those who asserted the right of free expression was continuous and unceasing. As early as 1644 John Milton, in an "Appeal for the Liberty of Unlicensed Printing", assailed an act of Parliament which had just

been passed providing for censorship of this press previous to publication. He vigorously defended the right of every man to make public his honest views "without previous censure", and declared the impossibility of finding any man base enough to accept the office of censor and at the same time good enough to perform its duties. (Collett, *History of the Taxes on Knowledge*, vol. 1, pp. 4-6.) The act expired by its own terms in 1695. It was never renewed; and the liberty of the press thus became, as pointed out by Wickwar (*The Struggle for the Freedom of the Press*, p. 15), merely "a right or liberty to publish without a license what formerly could be published only with one." But mere exemption from previous censorship was soon recognized as too narrow a view of the liberty of the press.

In 1712, in response to a message from Queen Anne (Hansard's *Parliamentary History of England*, vol. 6, p. 1063), Parliament imposed a tax upon all newspapers and upon advertisements (Collett, vol. 1, pp. 8-10). That the main purpose of these taxes was to suppress the publication of comments and criticisms objectionable to the Crown does not admit of doubt (Stewart, Lennox and the taxes on knowledge, 15 *Scottish Historical Review*, 322-327). There followed more than a century of resistance to and evasion of the taxes and of agitation for their repeal. In the article last referred to (p. 326), which was written in 1918, it was pointed out that these taxes constituted one of the factors that aroused the American colonists to protest against taxation for the purposes of the home Government, and that the Revolution really began when, in 1765, that Government sent stamps for newspaper duties to the American Colonies.

These duties were quite commonly characterized as "taxes on knowledge", a phrase used for the purpose of describing the effect of the exactions and at the same time condemning them. That the taxes had, and were intended to have, the effect of curtailing the circulation of the newspapers, and particularly the cheaper ones whose readers were generally found among the masses of the people, went almost without question, even on the part of those who defended the act. May (*Constitutional History of England*, 7th ed., vol. 2, p. 245), after discussing the control by "previous censure", says: "a new restraint was devised in the form of a stamp duty on newspapers and advertisements—avowedly for the purpose of repressing libels. This policy, being found effectual in limiting the circulation of cheap papers, was improved upon in the two following reigns and continued in high esteem until our own time." Collett (vol. I, p. 14), says, "any man who carried on printing or publishing for a livelihood was actually at the mercy of the commissioners of stamps, when they chose to exert their powers."

Citations of similar import might be multiplied many times; but the foregoing is enough to demonstrate beyond peradventure that in the adoption of the English newspaper stamp tax and the tax on advertisements revenue was of subordinate concern, and that the dominant and controlling aim was to prevent or curtail the opportunity for the acquisition of knowledge by the people in respect of their governmental affairs. It is idle to suppose that so many of the best men of England would, for a century of time, have waged, as they did, stubborn and often precarious warfare against these taxes if a mere matter of taxation had been involved. The aim of the struggle was not to relieve taxpayers from a burden but to establish and preserve the right of the English people to full information in respect of the doings or misdoings of their Government. Upon the correctness of this conclusion the very characterization of the exactions as "taxes on knowledge" sheds a flood of corroborative light. In the ultimate, an informed and enlightened public opinion was the thing at stake; for, as Erskine, in his great speech in defense of Paine, has said, "The liberty of opinion keeps governments themselves in due subjection to their duties." (Erskine's *Speeches*, High's ed., vol. 1, p. 525. See May's *Constitutional History of England*, 7th ed., vol. 2, pp. 238-245.)

In 1785, only 4 years before Congress had proposed the first amendment, the Massachusetts Legislature, following the English example, imposed a stamp tax on all newspapers and magazines. The following year an advertisement tax was imposed. Both taxes met with such violent opposition that the former was repealed in 1786 and the latter in 1788. (Duniway, *Freedom of the Press in Massachusetts*, pp. 136 and 137.)

The framers of the first amendment were familiar with the English struggle, which then had continued for nearly 80 years and was destined to go on for another 65 years, at the end of which time it culminated in a lasting abandonment of the obnoxious taxes. The framers were likewise familiar with the then recent Massachusetts episode; and while that occurrence did much to bring about the adoption of the amendment (see Pennsylvania and the Federal Constitution, 1888, p. 181), the predominant influence must have come from the English experience. It is impossible to concede that by the words "freedom of the press" the framers of the amendment intended to adopt merely the narrow view then reflected by the law of England that such freedom consisted only in immunity from previous censorship, for this abuse had then permanently disappeared from English practice.

It is equally impossible to believe that it was not intended to bring within the reach of these words such modes of restraint as were embodied in the two forms of taxation already described. Such belief must be rejected in the face of the then well-known purpose of the exactions and the general adverse sentiment of the colonies in respect of them. Undoubtedly the range of a constitutional provision phrased in terms of the common law sometimes may be fixed by recourse to the applicable rules of that law. But the doctrine which justifies such recourse, like other canons of construction, must yield to more compelling reasons whenever they

exist (*Continental Bank v. Rock Island Ry.*, 294 U. S. 648, 668-669). And, obviously, it is subject to the qualification that the common-law rule invoked shall be one not rejected by our ancestors as unsuited to their civil or political conditions (*Murray's Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272, 276-277; *Waring et al. v. Clarke*, 5 How. 441, 454-457; *Powell v. Alabama*, supra, pp. 60-65).

In the light of all that has now been said, it is evident that the restricted rules of the English law in respect of the freedom of the press in force when the Constitution was adopted were never accepted by the American colonists, and that by the first amendment it was meant to preclude the National Government, and by the fourteenth amendment to preclude the States from adopting any form of previous restraint upon printed publications or their circulation, including that which had therefore been effected by these two well known and odious methods.

This Court had occasion in *Near v. Minnesota*, supra, at pages 813 et seq. to discuss at some length the subject in its general aspect. The conclusion there stated is that the object of the constitutional provisions was to prevent previous restraints on publication; and the Court was careful not to limit the protection of the right to any particular way of abridging it. Liberty of the press within the meaning of the constitutional provision, it was broadly said (p. 716), meant "principally although not exclusively, immunity from previous restraints or (from) censorship."

Judge Cooley has laid down the test to be applied—"the evils to be prevented were not the censorship of the press merely, but any action of the Government by means of which it might prevent such free and general discussion of public matters as seems absolutely essential to prepare the people for an intelligent exercise of their rights as citizens." (Cooley's *Constitutional Limitations*, 8th Ed., p. 886).

It is not intended by anything we have said to suggest that the owners of newspapers are immune from any of the ordinary forms of taxation for support of the Government. But this is not an ordinary form of tax, but one single in kind, with a long history of hostile misuse against the freedom of the press.

The predominant purpose of the grant of immunity here invoked was to preserve an untrammelled press as a vital source of public information. The newspapers, magazines, and other journals of the country, it is safe to say, have shed and continue to shed more light on the public and business affairs of the Nation than any other instrumentality of publicity; and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern. The tax here involved is bad not because it takes money from the pockets of the appellees. If that were all, a wholly different question would be presented. It is bad because, in the light of its history and of its present setting, it is seen to be a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled in virtue of the constitutional guaranties. A free press stands as one of the great interpreters between the Government and the people. To allow it to be fettered is to fetter ourselves.

In view of the persistent search for new subjects of taxation, it is not without significance that, with the single exception of the Louisiana statutes, so far as we can discover, no State during the 150 years of our national existence has undertaken to impose a tax like that now in question.

The form in which the tax is imposed is in itself suspicious. It is not measured or limited by the volume of advertisements. It is measured alone by the extent of the circulation of the publication in which the advertisements are carried, with the plain purpose of penalizing the publishers and curtailing the circulation of a selected group of newspapers.

2. Having reached the conclusion that the act imposing the tax in question is unconstitutional under the due process of law clause because it abridges the freedom of the press, we deem it unnecessary to consider the further ground assigned that it also constitutes a denial of the equal protection of the laws.

Decree affirmed.

DISTRICT AIRPORT SITE—LETTER FROM AERO CLUB

Mr. McADOO. Mr. President, I ask permission to have printed in the RECORD a letter from the Aero Club of Washington concerning a site for a permanent airport for the District of Columbia.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 6, 1936.

HON. WILLIAM H. KING,

Chairman, Senate District Committee,

Senate Office Building, Washington, D. C.

DEAR SENATOR: The Aero Club of Washington desires to reiterate its endorsement of the Gravelly Point site for a permanent airport for the District of Columbia and ask that you and your committee give full consideration to the Gibson airport bill, S. 797.

Our endorsement of this site is based on (1) the large available area, (2) the complete facilities for seaplanes, (3) the low cost, (4) the length of runways and the unobstructed approach insuring safety of operation, (5) the possibilities for unlimited expansion.

The Gravelly Point site has the approval of the citizens of the District and the officials thereof, as well as all civic, trade, and aeronautic organizations. Predicated upon this we are of the

opinion that another commission to be appointed by the President is unnecessary in view of the fact that the selection of an airport site for the District of Columbia is a function of the Congress.

We hope you and your committee will concur with us and help secure enactment of above-mentioned bill which will assure an airport for Washingtonians that will be commensurate with the dignity and importance of the Nation's Capital.

Very truly yours,

AERO CLUB OF WASHINGTON,
CHESTER H. WARRINGTON,
President.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. McNARY. Mr. President, yesterday the able Senator in charge of the bill, the Senator from South Carolina [Mr. SMITH], offered an amendment, to which I made objection. We discussed the matter at some length, but did not come to an agreement as to the proper interpretation which should be placed upon the amendment. I have given it some further thought since then, and so far as I am concerned, speaking for myself, I am willing that the amendment may go into the bill.

The VICE PRESIDENT. The clerk will report the amendment referred to by the Senator from Oregon.

The CHIEF CLERK. It is proposed, in the committee amendment, on page 5, line 4, after "period", insert a colon and the following:

Provided, however, That apportionments of funds available for carrying out the purposes specified in this section for the year 1936 may be made at any time during 1936. Notwithstanding the making of apportionments for 1936 and 1937, the funds apportioned to any State for which no plan has been approved pursuant to subsections (d) and (e) of this section shall be available for expenditure pursuant to section 8 in any State for which no plan has been so approved.

Mr. McNARY. Mr. President, stripping the amendment of its redundant language, I understand it to mean that if any State shall comply with the long-term or permanent program during the crop year 1936 or the fiscal year 1936-37 or the calendar year 1936, it will be entitled to cooperative aid from the Federal Government. As I said a few days ago, I am inclined to favor the permanent plan without disturbing the money that may be paid to the other States under the temporary plan which I oppose. I think in fairness to those States that may be able to cooperate that they should be given this aid, though in my opinion none can qualify. I have no personal objection to the amendment being adopted.

The VICE PRESIDENT. The question is on the adoption of the amendment offered by the Senator from South Carolina [Mr. SMITH] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CONNALLY. Mr. President, I wish to invite the attention of Senators to an amendment on the desk, which I have had printed, the amendment to appear at the end of the pending bill and containing provisions in addition to those contained in the bill as reported by the Committee on Agriculture and Forestry. My amendment will not be voted on until tomorrow. Knowing the crowded intellectual calendar of the Senate, I am afraid that whatever I say today will not be recalled tomorrow, so I shall undertake to address the Senate tomorrow briefly on the amendment because it will be voted on at that time.

Mr. President, the amendment involves what is known as the export debenture. The theory of the amendment is that on exportable surpluses of farm commodities, under the direction of the Secretary of the Treasury, there shall be issued to exporters, farmers, or anyone else who exports products, a Treasury debenture fixed in accordance with rates provided in the bill on basic agricultural commodities.

There is contained in the amendment a general clause giving the Secretary of Agriculture discretion to fix rates on other commodities not specifically mentioned in the bill. The theory of the amendment is, since we cannot obtain for exportable surpluses anything above the world free market, and since farmers are required to pay, of course, on all manufactured goods, high tariff premiums and bounties to the industrial concerns, that through the export

debenture they will be compensated somewhat by receiving the bounty on that portion of their crop which is exported.

I invite the attention of the Senate and the country to the fact that this particular form of farm relief passed the Senate twice in 1929, I believe it was, when the Hoover farm-relief bill was pending here. It was defeated in the House under pressure from the administration and never became a law. In the agricultural act of last year amendatory of the former act, a modified form of the export debenture plan of relief was incorporated which gave to the Secretary of Agriculture the right to use 30 percent of all tariff revenues as a fund for paying benefits and aids to farmers in the United States.

Mr. President, it may be said, and no doubt will be said, that this is an export bounty, and therefore that foreign countries might object to it on the ground of dumping. To those who make that sort of argument I wish to reply that the A. A. A. itself in effect gave a bounty on exports, because the domestic processor was taxed through the processing taxes. If the goods were exported, he received a rebate of those taxes. The products were free from taxation if exported, which in effect gave an export premium on the portion of our commodities which was in fact exported.

The theory of this measure, further, is that by adding the export bounty to the foreign price, automatically the domestic price will rise almost to the level of the foreign price plus the bounty; because if an exporter can export his products and receive the world free price plus the bounty, the domestic purchaser must meet that price or the producer will export the commodity to secure the higher price.

I hope Senators will secure copies of the amendment and read it between now and tomorrow. It provides, on page 4, that on corn or maize there shall be paid an export debenture of 7½ cents per bushel; on rice, one-half of 1 cent per pound; on wheat, 21 cents per bushel; on cotton, 4 cents per pound; and on tobacco, 2 cents per pound.

These rates have been devised in order to give these particular commodities the theoretical benefit of a tariff; but they cannot obtain an actual benefit from the tariff because we produce more of these commodities than we consume. Therefore their price is fixed in the world market; and a tariff is of no benefit when we produce more goods of a given kind than we consume, unless those particular industries are so well organized, through combination or otherwise, as to maintain an artificial price in spite of the law of supply and demand.

So, Mr. President, I ask Senators to review this amendment. It is not in any respect antagonistic to the pending bill. It is merely supplementary thereto. I desire to call to the attention of Senators the fact that this particular plan has been advocated and supported for a great many years by the National Grange. It also has the support of a number of other farm organizations throughout the country.

To those who may have any doubt as to the efficacy of the pending measure reported by the committee, let me say that there can be no doubt on earth as to the effect of the export debenture if adopted. It will inevitably result in an increase of the farmer's price. Production may be regulated and overproduction prevented under the soil-conservation provisions of the measure; and with that sort of control there can be no substantial danger of overproduction, because of the stimulation of the price which the export debenture will assure.

Mr. President, the basis of all farm-relief measures is that the farmer does not receive the benefit of the tariff, but that, on the other hand, he carries the burden of the tariff on that which he buys, and because of that long-established industrial policy of high protection the economic balance between agriculture and industry has been upset. It is out of balance. It is unfair to the farmers.

This particular plan is simply a reversal of the tariff. It is turning it around and giving the farmer a tariff on his exports, whereas the manufacturer gets a tariff on imports which compete with his products. The necessity for that reversal lies in the fact that a tariff is ineffective when it is undertaken to be applied to a commodity of which we produce

more than we consume. How can a tariff of 21 cents a bushel on wheat benefit wheat when we have to export our wheat to foreign countries?

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Michigan?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. Referring to section 3, on page 4 of the Senator's amendment, will the Senator be good enough to indicate to me the basis upon which the particular assigned debenture rates have been reached?

Mr. CONNALLY. In the first place, I shall say to the Senator that 21 cents a bushel is half the tariff rate on wheat. The cotton rate is the same rate that is provided in the amendment offered by the Senator from Oregon [Mr. McNARY]. The Senator from Oregon is not from a cotton country. He estimates that 4 cents a pound would be fair with regard to cotton; but I shall say to the Senator from Michigan that other provisions of the bill provide that these rates may be lowered by the Secretary according to the particular standard set up in the bill. In other words, if as a result of the application of these rates there should be an unusual production of these commodities, the Secretary of Agriculture is empowered to reduce the rates in order somewhat to restrict the overproduction, and to lay a mild penalty on the producer for overproducing.

Necessarily, I shall say to the Senator from Michigan, the fixation of amounts is somewhat of an arbitrary character. The amount must be fixed at some point. If it had been fixed at 1 cent a pound for cotton, there would be the same reason for making the inquiry that there is at the 4-cent rate.

I am not interested in tobacco except as a consumer of it; but I wish to see tobacco receive a fair rate of debenture, and it is estimated that in the case of tobacco 2 cents a pound would be a fair rate.

In the case of rice, the debenture is fixed at one-half of 1 cent per pound. I shall say that the rice people want 1 cent instead of half a cent. My State has considerable rice interests, but I am willing to obtain a half-cent rate for them. Half a cent is better than no cent.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Oregon?

Mr. CONNALLY. I yield.

Mr. McNARY. The Senator from Michigan [Mr. VANDENBERG] has propounded a very pertinent inquiry.

Mr. CONNALLY. As he usually does.

Mr. McNARY. He asks how these figures were reached. The Senator will recall that the debenture plan was offered as an amendment to the Marketing Act which was passed in 1929. The Marketing Act which created the Farm Board was sponsored by former President Hoover. At that time the Committee on Agriculture and Forestry, with great care and after very extensive investigation, arrived at these figures in order to give a parity price as between that which is domestically consumed and that which is sold on foreign markets.

Take cotton at 4 cents and wheat at 21 cents. Wheat bears a rate which is one-half the tariff, but on cotton there is no tariff. Consequently, in order to bring about an equality between the price on the foreign market and the domestic market, 4 cents is added in the case of cotton to bring about a parity price between those two great markets. That was the basis upon which the Committee on Agriculture and Forestry arbitrarily framed this section and specified the amounts that should be paid in the way of bonuses.

As to all debenturable products, one-half the tariff is effective. The rate on wheat is 21 cents a bushel, when everyone knows that the tariff is 42 cents. Cotton not having any tariff, it was necessary to reach a price that would bring about a parity between the foreign and the domestic markets.

That was the work of the committee back in 1929, when the Marketing Act was passed, as suggested by former President Hoover. The Marketing Act passed the Senate. It went to the House. I happened to be chairman of the conferees on the part of the Senate at that time, and my friend

from Nebraska [Mr. NORRIS] was one of the members of the conference committee. So was the Senator from South Carolina [Mr. SMITH]. We battled over the bill for a great many days. No question was raised as to the propriety or the correctness of these figures; but the House, on a vote, refused to accede to the amendment. Hence the debenture provision went out of the Marketing Act when we constituted the Farm Board.

I make that observation only because the question was asked by the Senator from Michigan, and being familiar with the facts I thought possibly he would like to have that explanation.

Mr. CONNALLY. Mr. President, I am under deep obligation to the Senator from Oregon. We recall that in 1929 the Senate Committee on Agriculture and Forestry did what the Senator from Oregon has just related. It investigated to ascertain what would be fair rates on these various commodities, and as a result of that investigation fixed rates substantially as incorporated in the amendment which I now offer.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. CONNALLY. I yield.

Mr. NORRIS. I should like the attention of the Senator from Oregon. As I understood what the Senator from Oregon said, he stated that this debenture was approved by President Hoover.

Mr. McNARY. Oh, no, no, no!

Mr. NORRIS. Of course, President Hoover was very bitterly opposed to it.

Mr. McNARY. President Hoover wrote me, as chairman of the committee, a letter denouncing it; but I say, irrespective of that, the Senate put the provision in the bill, and it went out after a vote in the House.

Mr. NORRIS. Mr. President, if the Senator from Texas will yield further, I think the amendment was not reported by the committee, was it? It was put in the bill on the floor of the Senate.

Mr. McNARY. The committee reported the Marketing Act "as is." The amendment was placed in the bill on the floor of the Senate, but went out in the House and in conference.

Mr. NORRIS. Yes; I understand that. I myself offered the amendment.

Mr. McNARY. I think the Senator from Nebraska did offer the amendment.

Mr. CONNALLY. Mr. President, I desire to impress particularly upon Senators who were not here in 1929 just what the Senator from Nebraska and the Senator from Oregon have pointed out, namely, that when the so-called Hoover Farm Board bill was before the Senate, the Senator from Nebraska [Mr. NORRIS] offered the debenture amendment substantially in this form. It was adopted by the Senate, but when the bill went to the House, the then President of the United States, Mr. Hoover, condemned the debenture amendment, and a subservient and willing House rejected it. Subsequently the Senate again adopted the amendment, and subsequently it had a similar fate. The House refused to agree to it.

Mr. LOGAN. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. LOGAN. I believe every Senator here realizes that it is necessary to do something for agriculture. There is a good deal of talk about what cannot be done, but those who talk about what cannot be done fail to say what can be done.

I was not a Member of the Senate in 1929, when this matter was discussed, but my recollection is that I was very favorably impressed with the idea, and I am at this time; but I should like to ask the Senator one thing, as I do not know about it myself. If we should adopt the amendment, and this subsidy, or whatever you choose to call it, should be granted to the farmer, if the country to which the prod-

uct were exported should simply increase its tariff in an amount equal to the benefit granted here, then what would be the result; how would we get around that?

Mr. CONNALLY. I shall say to the Senator, that, of course, presents a situation which we face always when we lay tariffs. Whenever we impose a tariff on any article from a foreign country we lay ourselves open to the hazard of having a discriminatory tariff laid on our products.

Take cotton, for instance. Does the Senator suppose England is going to put a tariff on cotton when she does not raise any and needs cotton? Is she going to make it harder to get a product which she is anxious to get and which, under this bill, will come into her markets on favorable terms? Wheat, of course, is more vulnerable, because more countries of the earth produce wheat. I shall say to the Senator from Kentucky, however, that that is simply a hazard we always have to take with reference to any kind of commercial or industrial legislation affecting world commodities. It is a hazard we always have to face.

Mr. LOGAN. Mr. President, will the Senator yield further?

Mr. CONNALLY. I yield.

Mr. LOGAN. I can see that, so far as England and cotton are concerned, there is much force in what the Senator has said; but I am thinking of tobacco and tobacco farmers in my State. We have lost our market in Italy and France and Spain very largely because of the tariff. I am advised that those countries and some others are attempting to raise their own tobacco, and if we should pay 2 cents a pound to the tobacco growers on that which they export to the countries which are trying to produce their own tobacco, and those countries should increase their tariff 2 cents, the farmers in Kentucky would again be left without any benefit, and I wanted to find some plan by which we could be certain the farmer would receive what he thought he was going to receive.

Mr. CONNALLY. I am in sympathy with the views of the Senator from Kentucky; but let us assume that what he predicts may happen, that we give the farmer 2 cents on his export of tobacco, and a foreign country imposes a tariff of 2 cents on it. He is at least no worse off than he is now. So by killing the pending amendment no advantage would be given to the farmer who is producing tobacco.

Mr. LOGAN. If the Senator will further yield, I should like to ask him one more question, and then I will agree with his last statement. Does the amendment which he has offered in any way affect or modify the bill as finally proposed by the Committee on Agriculture and Forestry?

Mr. CONNALLY. In no respect. The Senator was not in the Chamber when I first rose. I pointed out that it in nowise affects the main body of the bill. It is simply a supplement attached to the end of the proposed legislation, is superimposed, as it were, on the existing bill.

Mr. LOGAN. Then it is the opinion of the Senator that it may do good, and could not possibly do any harm?

Mr. CONNALLY. Exactly. The Senator has put his finger on the vital point.

Let us see about tobacco. Let me suggest to the Senator that it is not entirely the tariffs in foreign countries that have brought about the adverse situation with regard to our tobacco. Many of the foreign countries have a national monopoly in tobacco, a government monopoly, and it is the operation of that monopoly rather than tariffs that are affecting the price paid by the consumers of tobacco in France and other countries. France raises no tobacco on the Continent. France may produce some in Algeria or Morocco, but France is a great consumer of tobacco, and if we can give the American tobacco farmer 2 cents a pound on the tobacco which he ships to France, will not more pounds of tobacco go to France than if we do not give him anything for shipping it to France? He would have an inducement. He could send it to France and sell it at a cent and a half below the present market in France and still get a half cent profit, because while he would lose a cent and a half, he would get back 2 cents.

Mr. LOGAN. I should not think he would get a half a cent profit, but he might get a half a cent more than he

otherwise would receive. The tobacco farmer did not get his profit until the Agricultural Adjustment Act went into effect, which helped him to get a profit, but after the Supreme Court said that he was not entitled to that profit the tobacco farmers in Kentucky alone have lost literally millions of dollars by reason of the shrinkage in the price of tobacco since that time.

Mr. CONNALLY. The Senator is correct. I did not mean that he would get a profit over what it cost him to produce it, but I meant that he would get a half a cent over what he would get in France today.

I sometimes marvel at the Court. I wonder whether the members of the Court ever thought of the tobacco farmer when they were considering this opinion, probably some of them chewing that great product from the State of Kentucky; most certainly many of them smoking it. I wonder whether they contemplated what the farmer in Kentucky is contributing toward the comfort and happiness of the human race. In days past some tobacco was produced in Texas, but recognizing the primacy of North Carolina, Virginia, Kentucky, and other States, through a spirit of chivalry, we withdrew from the field and gave them our entire consumptive patronage.

Mr. SMITH. The Senator means through necessity, not chivalry.

Mr. CONNALLY. No; not through necessity. Of course, tobacco is condemned in many quarters, but when I contemplate the fact that every nation on the face of the earth turns to the solace of tobacco in hours of relaxation, and sometimes in times of trouble and perplexity, I want to see the tobacco farmer in Kentucky get a decent price for his tobacco.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. When a commodity becomes debenturable, if there is such a word, should not all competitive imports be entirely prohibited during the debenture period?

Mr. CONNALLY. The measure before us is not a tariff bill. We cannot originate a tariff bill in the Senate. Of course, what the Senator says ought to be considered, and it is no doubt true that already there are tariffs on some of these other articles; but we cannot go into a tariff bill now.

Mr. VANDENBERG. The Senator would agree that the theory of the debenture requires the prohibition of competitive imports?

Mr. CONNALLY. To a limited degree. Let me say to the Senator that this particular bill prohibits the importing back into the United States of any commodities which have been exported upon which a debenture has been paid, and the same theory would carry out the feature just expressed by the Senator from Michigan.

Mr. President, I do not wish to consume more of the Senate's time, but I commend to Senators the consideration of the pending amendment. If Senators want to insure the farmer getting a higher price, this amendment will do it. If they simply want to give him a little star dust for campaign purposes, let them not vote for this amendment, because this amendment will do the work. Up until this administration came into power the farmers were fooled. For 12 long years the farmer was hoodwinked; he was given gold bricks, he was given green goods, he was given all kinds of promises; but not until the Roosevelt administration and the enactment of the A. A. A. was anything substantial done to give the farmer an enhancement of his price.

As suggested by the Senator from Kentucky, the Supreme Court has overturned that act; and what are we going to do about it? Are we simply going to temporize with the farmer and pass some ineffective sort of hazy bill to make him feel good until after November? Or do we want to pass a bill which everybody admits will raise the farmer's price? This bill will raise the prices of farm commodities in the United States to somewhere near the level of the prices of industrial products; and I appeal to Senators to independently exercise their judgment on this amendment.

The Committee on Agriculture and Forestry did not report the amendment, it is true. I have high regard for the Committee on Agriculture and Forestry; but it is not sacrosanct. It has reported many bills which would not stand a microscopic examination either of the courts or of any other body. So I appeal to Senators not simply to blindly vote against this amendment because it was not recommended by the Committee on Agriculture and Forestry. If Senators want a precedent, I point them to a precedent made by the Senate itself, which, after full and complete debate and discussion, in 1929, with practically solid Democratic support, and with the support of such Senators as the Senator from Nebraska [Mr. NORRIS], the Senator from Oregon [Mr. McNARY], the Senator from Idaho [Mr. BORAH], and, I think, the Senator from Wisconsin [Mr. LA FOLLETTE], adopted the plan I am urging as a part of a permanent farm relief measure.

I invoke that precedent as against the nonaction, the negative action of the Committee on Agriculture and Forestry in not affirmatively reporting this amendment.

In conclusion, let me remark again, as I did to the Senator from Kentucky [Mr. LOGAN], that this amendment is not hostile to the main bill. It does not change an "i" nor a "t" in the original measure. It simply ties into the original bill as a supplement and as an aid and as a support the debenture. People understand its language. They know what it means. Anyone who can read the original bill and explain what it means must be an expert both in law and in ledger-keeping, as suggested by my good and resourceful friend the Senator from California [Mr. McADOO].

Mr. HATCH. Mr. President, a very able and well written article appears in the New York Herald Tribune of this morning which deals with the farm problem. It is an article written by Mr. Walter Lippmann, and I especially commend it to the attention of all Senators interested in this very important subject, and with special reference to the pending bill. I ask that the article be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of Feb. 13, 1936]

TODAY AND TOMORROW

By Walter Lippmann

THE NATIONAL PATRIMONY

Now that the emergency farm measures have come to an end, there will be many who wonder whether, except as a sop to the farm vote, it is necessary to do anything further. It is only by facing that question squarely that one can hope to make head or tail out of the complicated discussion now taking place.

If we examine the physical basis of the national life of the seven great powers of the world, a very striking contrast appears at once. For each square mile of land fit for the cultivation of crops there are in the United States about 100 persons. In France there are nearly 300. In Italy there are nearly 500. In Great Britain and in Germany there are nearly 600. In Japan there are over 2,400. Only Russia, with 66 persons a square mile of arable land, is less crowded, and Russia is relatively a backward country. In the possession of raw materials the position is roughly the same. Now a nation which has a large population in relation to its physical resources can maintain a high standard of life only if it can obtain from other countries a supply of food and raw materials. It must obtain them by buying them. It can buy them only if it can earn money selling its exports.

If it is to live, it must assure itself markets in which it can sell exports in order to obtain the funds to pay for its necessary imports. For nations with an inadequate physical basis, foreign trade is not just a method of obtaining additional profits. It is an absolute necessity. This is the situation in which Britain, Germany, Italy, and Japan find themselves. It is not a comfortable situation.

The United States has an infinitely stronger basis for its existence than they. It has in relation to its land resources a small population, and it is this fundamental fact, together with the two oceans, which gives America its unique security, its unchallenged independence, and its unrivaled opportunity to maintain free institutions.

But though the American patrimony is a great one, it can be wasted and destroyed. There are many lands on the face of the earth that were once fertile and are now desert or are so poor that only a small population can live on them. There are many lands, too, where the farming population has been drawn into factories and where the art of farming has been lost. The United States has not yet arrived at this dangerous situation. But it has

plainly reached the turning point in the national history where the process of decay has begun. The decay consists in the impoverishment of the soil through destructive farm practices and the impoverishment of the farm population by an excessive industrialization. The end of the process comes when the land is no longer fertile enough to support the people and the farmers have left their farms because they cannot make a good living.

By keeping these elemental considerations in mind it is possible to understand a point which must puzzle many persons at the present time. How is it that the farm leaders who yesterday were worrying about surplus crops are now worrying about the capacity of the land to produce crops? It would be easy to be cynical and say that they wish to pay a subsidy to farmers, and if they cannot pay them for not producing wheat and cotton and corn, they wish to pay them for producing hay and legumes. But that cynicism would miss the point which is fundamental in this whole business, a point which has been in the minds of all the serious students of the question, though it became practical politics only when the Supreme Court did them the great service of ending the emergency program.

The point is that the kind of farming which produces the big surpluses is such bad farming that in the long run it will destroy the soil and bring about deficits. Dr. H. H. Bennett, the Director of the Soil Conservation Service, an expert of indisputable authority, has reported that 100,000,000 acres of formerly cultivated land have already been totally destroyed; that another 125,000,000 acres have lost all or the greater part of the topsoil; and that on another 100,000,000 acres the process of erosion is already under way.

This is the destruction of the basic capital resources of the Nation. The main cause of it is that the land is being exhausted by planting crops that exhaust the land. These are the crops of which there has been a surplus. In other words, we have produced too much wheat, cotton, and corn, not because the land is too fertile but because we have been robbing it. These surpluses have meant in agriculture what a failure to renew and repair the machinery would mean in a factory. Now the reason why the farmers have been exploiting the land instead of husbanding it is in part due to inadequate knowledge, but it is chiefly due to the fact that they could not afford to farm properly. They have been like a factory manager who cannot afford to plow back into the business enough to keep it efficient. The wasted lands of America are like machines worked without lubricants and repairs until they break down entirely and have to be scrapped. Thus, for the long run and in its fundamental aspects, the farm problem is the reverse of what it was supposed to be during the emergency. It is not a problem of overproduction due to unmanageable fertility but of overproduction which destroys fertility. And the overproduction which causes low prices is itself aggravated by low prices. In their desire to increase their income the farmers have produced more of the very crops that destroy the price of those crops and the fertility of the land as well.

That the general welfare of the American people is bound up with the preservation of their national patrimony is, it seems to me, indisputable. That the reinvestment of \$500,000,000 a year in the preservation of the land is a prudent form of national saving seems to me to be no less clear. All that remains to be determined is how the undertaking can be arranged so as to conform to the Federal character of the Government and how it can be most wisely and efficiently administered. The underlying principle cannot, I believe, be challenged.

What can be said is that a program to conserve the soil is only one-half of a program to meet the farm problem. The other half lies in the field of what may be called forced overindustrialization. The real evil of the excessive tariff is not so much that it destroys the markets for farm products—they may be tending to diminish anyway—but that by maintaining artificially high prices for industrial goods it diverts to the protected industries a larger proportion of the capital and labor of the country than would go to them under a more freely competitive regime. This diversion is aggravated by the growth of monopolies, many of which depend upon the tariff. The result is to raise the price not merely of the goods the farmer buys at the village store and thus to reduce his real income, though it does that, but also to raise his costs of production, the cost of the money he borrows, his freight rates, his taxes.

We shall continue to have a farm problem if we continue to maintain the tariff at its present exorbitant level and if we continue to foster the growth of monopoly. Unfortunately there are no signs that either party is prepared to consider this aspect of the problem.

REDUCTION OF IMMIGRATION AND EXCLUSION OF ALIENS

Mr. REYNOLDS. Mr. President, I send to the desk a bill which I wish to introduce for appropriate reference. I ask that the clerk read the title of the bill before I make a few remarks which I have prepared in connection therewith.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the clerk will read, as requested.

The bill (S. 4011) to further reduce immigration, to authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, to prohibit the separation of families through the entry of aliens leav-

ing dependents abroad, and to provide for the prompt deportation of habitual criminals and all other undesirable aliens, and to provide for the registration of all aliens now in the United States or who shall hereafter be admitted was read twice by its title and referred to the Committee on Immigration.

Mr. REYNOLDS. Mr. President, very briefly, the bill which I have just introduced, the title of which has been read by the clerk, interests itself primarily in two things of great importance to the American people. The first is the restriction of immigration. The second is a compulsory act providing that every alien within the borders of the United States within 6 months shall be forced to register at one of the several thousand post offices in the United States.

I am taking occasion to introduce a bill further to restrict immigration, as I have stated, and to register all aliens now within the United States. It is, indeed, a matter of common knowledge that in spite of all the things we have done artificially to stimulate employment, there are still many millions of persons unemployed in this country today. It is estimated on the very best of authority that in this country one person out of every five or six is in one way or another dependent in whole or in part for his support upon the Government of the United States. This estimate, of course, takes into consideration those who are on the relief rolls at the present time.

In spite of the fact that this condition has been with us for several years, we are tolerating in our midst millions upon millions of aliens. There is a wide divergence of opinion as to how many million aliens are today actually living among us. For instance, the Commissioner of Immigration says in his latest report that in 1935 there were approximately 4,922,000 aliens in the United States, whereas other authorities maintain there are nearer seven and one-half millions. It is to me an amazing fact that neither the Commissioner of Immigration nor anybody else really knows exactly how many aliens are here.

One fact, however, is definitely established, and that is that the aliens with us are to an overwhelming degree adults. The census of 1930 shows 95 percent of them to be 20 years of age or over. Therefore, every one of them may be regarded as a potential holder of an American job, and every job held by an alien means one job less for an American; and most certainly that statement is of vital interest to every workingman in the United States today.

In my opinion, we of this body cannot go back to the American people and ask for approval of our action here unless we can answer their question—a question which is directed upon every hand at this hour—"What have you done to preserve American jobs for Americans?"

What have we done, I ask, Senators, to preserve American jobs for Americans? The fact of the matter is that, in the face of bad unemployment conditions, in the face of the greatest unemployment period of the political history of this country, in the fiscal year ending June 30, 1935, we actually admitted more aliens as immigrants than we did in the fiscal year ending June 30, 1934, and in that year we admitted many more than were admitted in the fiscal year which ended June 30, 1933.

In other words, each year since 1933 we have admitted more and more immigrants, in bold disregard of our millions of Americans who were seeking employment on every hand and in every section of the country.

I am glad indeed to find here at this hour my colleague for whom I have great respect, the chairman of the Committee on Immigration, the Senator from Massachusetts [Mr. Coolidge], listening to the statement I now make to this body.

In 1935, 189,000 aliens of all classes for permanent and nonpermanent residence were admitted to the United States.

In 1934, 163,000 aliens were admitted, while in 1933, 150,000 were admitted.

Thus it may be seen that 39,000 more aliens of all classes were admitted in 1935 than were admitted in 1933, at which time we began to endeavor to take care of the millions upon millions of full-blooded Americans who were seeking positions, work, jobs of any kind, in order that they might have the opportunity of providing for their respective families.

I know, as well as other Senators do, for that matter, that the argument is made that more persons are going out of this country than are coming into this country; but that is, in fact, no argument for letting in any immigrants. Under the present immigration law, 153,000 immigrants may be admitted annually. There is now on foot an agitation to open wider our gates to refugees from various lands where the people are said to be suffering and are suffering from dictatorship.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. NORRIS. I could not hear part of the Senator's statement on account of some interruption. It may be that the Senator has already stated figures which would answer the question I am about to propound. Has the Senator the latest figures of the number of aliens admitted to this country?

Mr. REYNOLDS. Yes; I have.

Mr. NORRIS. For what year are the figures?

Mr. REYNOLDS. For the years 1933, 1934, and 1935.

Mr. NORRIS. How does 1935 compare to 1934?

Mr. REYNOLDS. If I may answer the Senator's question in this way, in 1935 we admitted 39,000 more aliens of all classes and classifications than we did in 1933, and the number admitted in 1934 was some ten or twelve thousand less than in 1935.

Mr. NORRIS. In every year there may be, as I remember now, not to exceed 150,000 immigrants admitted.

Mr. REYNOLDS. One hundred and fifty-three thousand. I thank the Senator from Nebraska for his interest.

Mr. SMITH. Mr. President, will the Senator yield to me?

Mr. REYNOLDS. I shall be very happy to yield to the Senator from South Carolina.

Mr. SMITH. There may be admitted under the present law as to quotas, as I understand, 150,000 immigrants.

Mr. REYNOLDS. Yes, sir. As a matter of fact, with respect to all the countries of the world with which we have an arrangement to admit aliens, the minimum quota for each country is 100 immigrants per year who may be admitted.

Mr. SMITH. But the aggregate is something like 150,000.

Mr. REYNOLDS. One hundred and fifty-three thousand.

Mr. SMITH. According to the Senator's statement, the full quota has been reached?

Mr. REYNOLDS. That is quite true; and in my bill, I may add for the Senator's information, I am asking that every quota be reduced 90 percent; in other words, where, at the present time it is possible for 1,000 immigrants to enter the United States, that that number be reduced 90 percent.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. REYNOLDS. I yield with pleasure.

Mr. NORRIS. I ask the question entirely for information.

Mr. REYNOLDS. I will be very happy to have the Senator make inquiries of me.

Mr. NORRIS. I do not know just what the law provides, or whether it meets this proposition; but in connection with the number of aliens that can be admitted is there any limitation as to their having visible means of support?

Mr. REYNOLDS. Our laws at the present time, I may say to the Senator, are extremely lax, and a large number over and above the 153,000 quota of which I made mention are coming into the country. They are permitted to enter as students, as temporary residents, and so forth.

Mr. NORRIS. Would it be safe to say as to the figures the Senator has given that these aliens coming in are unemployed and are seeking employment?

Mr. REYNOLDS. Yes, sir.

Mr. NORRIS. So that, as a matter of fact, a little less than the 150,000 that came in are added to the unemployment army here?

Mr. REYNOLDS. Exactly so. I again thank the Senator for his assistance.

Mr. SMITH. Mr. President, I have not had an opportunity to refresh my memory in reference to the immigration laws, but I do not think—and if I am not correct, I hope the Sen-

ator will correct me—that in connection with the number allowed to enter there is provided any restriction so far as the immigrants being able to support themselves is concerned. Am I correct in that respect?

Mr. REYNOLDS. The Senator is correct, according to my information.

Mr. SMITH. I think the question asked by the Senator from Nebraska is whether they are allowed to come in under the law without any regard to whether or not they are self-supporting. I wanted to make that clear, because I know that an effort has been made so to modify the law that a qualification would be applied even to the quotas that are allowed, so that those permitted to come in would not be an immediate burden upon this country.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am very glad to yield to the Senator from Michigan.

Mr. COUZENS. I think the Senator from South Carolina is in error with respect to all the immigrants who are coming in being without visible means of support. Several years ago an Executive order was issued requiring the American consuls abroad, before issuing any permits to enter this country, to ascertain whether the applicants were self-supporting and would be self-supporting. I know of many cases where immigrants have not been able to come into this country because they were not able to show visible means of support.

Mr. REYNOLDS. That is quite true; and I will state for the information of those who have been kind enough to direct these inquiries to me that there were some qualifications; but I am sorry to say that those qualifications, as I have been informed, have not always been adhered to or complied with. I think that defect in the law should be remedied.

Mr. COUZENS. May I ask the Senator if he has a list of the countries from which the immigrants came during the year 1935?

Mr. REYNOLDS. I have, sir; and I will be very glad to furnish it to the Senator. I think that before the conclusion of my remarks I shall use the report I have from the Department. It is on my desk if I did not neglect to bring it here. However, if I left it in my office I will be very glad indeed to furnish it to the Senator from Michigan.

I wish to say here that I am delighted to find that the Senator from Michigan particularly is taking an interest in this matter. I say that for the reason that, as we all know, the Province of Ontario, a part and portion of our great northern neighbor, Canada, borders on the great State of Michigan, and I happen to know, by personal experience, that it involves no difficulty whatsoever for residents of Canada to gain admission into this country. They come from Ontario by way of Windsor through a tunnel, I believe, into the city of Detroit, the home city of the Senator from Michigan, and likewise cross a bridge there. I came through there last summer.

Mr. President, I then made a tour of the United States in an automobile, and I could not pass up the great State of Michigan. I came down through Ontario. The inspectors there, I suppose, are as careful as they can be, in view of the great number of people who are passing yearly from Canada into the United States by way of Detroit and other points. Incidentally, in that connection, I wish to state also that last summer, on the tour I have just made mention of, I went to El Paso and crossed the international bridge to Juarez. Millions cross there annually, as in Detroit millions cross annually from Canada. I make that statement, although it is embodied in the statement I have prepared, and, with the indulgence of the Senate, when I am permitted to continue I shall make mention of it again.

The Commissioner of Immigration in his report to the Secretary of Labor—and the Secretary of Labor, as I recall, embodied it in her report—made an appalling statement. He stated therein that annually 40,000,000 people—I could not believe it until I had the figures checked—annually cross the land borders of the United States. Therefore, I stated very frankly that I was very happy to have the Senator

from Michigan interest himself in this program, which is a problem of grave concern not only particularly and fundamentally and initially to the people of the great State of Michigan but to every State in the entire Union.

Mr. COUZENS. Mr. President, will the Senator yield for a question?

Mr. REYNOLDS. I am glad to yield to the Senator from Michigan.

Mr. COUZENS. I was going to ask if, in the course of his studies, the Senator has ascertained the number of Michiganders or other citizens of the United States who cross to cities in foreign lands and work there, as Canadians and Mexicans cross the border and work in America. In other words, the great industrial plants of Michigan have established branches in Canada across the river from Detroit where many Detroiters go to work. Many of them go there to manage the industries which are owned in Michigan.

It seems to me that this question requires consideration of the extent to which there is an interchange of work as between one country and another. I wondered if the Senator had given that matter consideration.

Mr. REYNOLDS. I have not been able to gather any statistics that would provide me with definite information as to the number of people who go from the State of Michigan or from the city of Detroit into the Province of Ontario in the Dominion of Canada; but I have made inquiry about that, and I am endeavoring to get some definite figures. I was unable to get them from the sources of which I made inquiry. The question the Senator from Michigan suggests is very interesting. It is interesting for the very reason the Senator has in mind, that there should be an interchange, and we should give the other countries credit for the number of our people that are annually securing employment within their borders.

Mr. COUZENS. Mr. President, may I say also that unless there is a comparison made we cannot get at the real value of legislation; and, further than that, as, of course, the Senator knows, there is no quota from any country on the Western Hemisphere; and so the freedom with which Canadians and Mexicans and others come to this country is due to the fact that there is no quota applied to them.

Mr. REYNOLDS. The Senator is precisely correct, and I shall mention that a little on in the statement I shall make.

Mr. DAVIS. Mr. President—

Mr. REYNOLDS. I yield to the Senator from Pennsylvania.

Mr. DAVIS. I wish to give the information to the Senator from Michigan that the matter to which he referred in the question he put to the Senator from North Carolina is covered by the rules and regulations of the Department of Labor, and I think the information can be obtained from the Secretary of Labor.

Mr. REYNOLDS. The Senator from Pennsylvania has stated the case correctly, but at the same time I have been unable, so far, to secure the exact figures as to the number of Americans who are employed in Canada and vice versa, a matter to which reference was made by the Senator from Michigan.

Mr. SMITH. Mr. President—

Mr. REYNOLDS. I yield to the Senator from South Carolina.

Mr. SMITH. The only point I wanted to make was that the Senator from Michigan stated that by Executive order our consuls and other representatives abroad were required not to give passports or visas to those desiring to come to this country until it was ascertained that they were self-supporting. The inquiry I made of the Senator from North Carolina was, was that requirement embodied in the law or was it dependent upon an Executive order? My impression is that there is no such mandatory legislation.

Mr. REYNOLDS. I know of none.

Mr. SMITH. That was the point I wanted to make.

Mr. REYNOLDS. Of course I am concerned about immigrants coming from Canada and, likewise, coming from

Mexico and a number of the countries of Central America. With every other Senator here I am greatly interested in knowing the number of immigrants coming here yearly. If we are to have a great number of immigrants come to this country, insofar as I personally am concerned, I wish to say that I would much prefer to see them come from Canada and from Mexico than from any other portion of the world. I say that for the reason that to the north of us we have, I believe, the most friendly nation upon the face of the earth, Canada; and to the south of us we have 15,000,000 people residing in the confines of the Republic of Mexico. I should like the American people to avail themselves of the opportunity of making friends with the Mexican people.

I am taking advantage of this opportunity to proceed rather on a side line from that which I had in mind in the beginning, for the reason that several days ago we listened to remarks in the debate in this Chamber in regard to America becoming involved in war with other countries of the world. That is a very interesting subject to every American, and I say that we should maintain and should continue and should encourage friendliness with the people to the north of us in Canada, because if ever this country should be invaded such invasion might come from Canada if we had the enmity of the people residing to the north of us. It is my belief that if this country is ever invaded by land that invasion unquestionably will come through the south of us, through Mexico.

I am one who is very happy indeed to know that we are still interested and greatly interested, and I shall hope we may be more interested in the construction of what is to be known as the Pan-American Highway which will lead from the north of this country clean across the broad expanse of our Nation, find its way into our sister Republic of Mexico by way of Laredo, Tex., through Monterey and Mexico City and further south through the countries of Central America, Guatemala, Salvador, Costa Rica, and on down to Buenos Aires. Completion of the highway will be accomplished within half a century from now.

Why am I happy to know that? It is because the day that we should continue to exert our energies and spend our money attempting to get commerce in the Orient is almost a day of the past. The record will reveal and the statistics for that matter will reveal that we never have made an awful lot in dealing with countries of the Orient in fighting for trade.

It has been suggested on the floor of the Senate that the next war will be a war between the United States and a great power in the Orient. If there ever is a war many say that war will be over commerce. The statement is well founded because of the fact that of the 3,000 wars which have taken place in the world since history was first recorded, about 99 percent have been the result of controversies over commerce.

I say, therefore, that we should not continue to look over to the Orient for the benefit of the manufacturers or capitalists of this country, because we have competition, serious competition. We should look not to continental Europe, because almost all the nations of continental Europe are bankrupt, as everybody knows; at least we know they are bankrupt to the extent that they cannot pay even the interest upon the enormous sums of money we advanced to them during the World War, for which then they were gracious and grateful. They cannot even pay the interest upon these enormous sums; at least they say they cannot pay even the interest, despite the fact that those war debts, \$22,000,000,000 in cash at one time, have been scaled down to \$11,000,000,000, some countries participating to the extent of a scale-down of 25 percent, and Italy, now at war in central Africa, scaled down to the extent of 65 percent.

I say the countries of continental Europe, insofar as we know, are bankrupt, and we need not continue our gaze across the wind-swept seas of the Atlantic. Where should we look? We should look to the south of us. We should look, gentlemen of the Senate, to Mexico, with its 15,000,000 people, people to whom we send great carloads of American currency and credit annually, because we are the greatest

purchasers of their greatest asset—silver. The Mexican Government has but recently completed a highway which is traversable to the capital of Mexico, and we, as Americans, should encourage the American tourist to travel southward, and not across the blue briny waters of the Atlantic to the countries of continental Europe.

Why? Because we have learned by bitter national experience that which many of us knew by personal experience, that if we want to make an enemy out of a friend, we have but to lend him money. We have learned that if we ever want to make an enemy out of a nation, we have but to lend that nation money. In proof of that statement I have but to cite a majority of the countries of continental Europe, at least those who were the allies of Great Britain and the United States during the World War, when we not only loaned them \$22,000,000,000 of money but gave them the lifeblood of our sons, gave them the help of millions and millions of troops at home and abroad, gave them the benefit of everything material we had that was necessary in the Great War.

I heard one of my colleagues on the floor of the Senate the other day, and I later read his statement in the CONGRESSIONAL RECORD, boldly state, if my memory serves me correctly, that we did not have a friend upon the face of the earth. I agree with him. I do not believe we have a friend upon the face of the earth—and why? Because we made enemies of those across the Atlantic by saving their skins and preserving their hides, by saving what they said was to be the world's democracy and Christianity. Everyone knows that if it had not been for the fact that the United States troops went over there and we poured in great supplies of money and clothing, food, and equipment, everything necessary to carry on the Great War, the Allies as then constituted would have lost that war.

But today they are claiming and have the audacity, the gall, the brass, to claim that we did not save them; that they had the war won before we got over there. I remember one hero who was over there. His name is Gen. Manus McCloskey, brigadier general stationed at Fort Bragg, in my own State. When General McCloskey arrived there in command of the marines the order came to retreat. He said, "Retreat, hell! We have just arrived!" That was the type of men we sent over there. We saved them from other ruin and slaughter, and yet they now say we did not do anything, that we got there too late. They say, further, they cannot pay us what they owe us because they have not the money. Let us see how truthful is that statement.

During the elections in Great Britain last year there were certain controversies between the Government Party and the Labor Party. All were interested. An argument arose then as to whether or not the budget had been balanced. Those in charge said it had been balanced. The controversy waged, and one man had the courage to remind the gentleman who made the statement relative to the balancing of the budget of Great Britain that he had not taken into consideration the interest due and the interest past due and the money which that Government was owing to the United States.

In the face of the fact that they have failed to make restitution and that all they have done, according to my recollection, was to make a token payment in silver upon the interest, in the face of that situation Great Britain finds herself in a position to encourage the appropriation now under consideration of \$1,000,000,000—one thousand million dollars for the purpose of doing what? For the purpose of building up her Army and Navy and her machine of slaughter and warfare.

Mr. President, in spite of the fact that Great Britain, our sister nation across the sea, whom we defended in an hour of need, cannot pay to us even the interest due upon the money we loaned to her, we find that in Singapore, almost 12,000 miles away, the British have been able to make expenditures of millions upon millions of dollars in building fortifications as their last line of defense in the Orient, because they think that perhaps at sometime Japan will create the empire of the east and will swoop down upon Victoria and the city of Hong Kong. The British find money when

they want it, but when it comes to the payment of an honest debt they cannot find the money.

There is France, which is indebted to us. There is Italy, which is indebted to us. Italy says she cannot pay the interest due upon her debt to us, that she has not the money; and yet, as I stated upon the floor of the Senate the other day in directing an inquiry to my friend and colleague the Senator from Illinois [Mr. LEWIS], the Italians have been able to find money to pay the tolls upon every troop ship that has gone through the Mediterranean and passed from Port Said to Suez through the Suez Canal and southward to Italian Somaliland, where they are unloading their troops and sending them into the black man's country of Ethiopia. They find the money for that purpose. They can find the money with which to carry on war, but they cannot find the money with which to pay an honest debt.

Then, Mr. President, I believe that I noticed in the columns of one of the local newspapers the other day that France, or at least French bankers, had made a loan to Italy. They can all lend one another money; they can all raise money for the purpose of carrying on war or to aid in the promotion of war for their own interest, as Great Britain is doing today. The war that is now going on is not in reality a war between Italy and Ethiopia. That is merely a smoke screen. It is a war of maneuvers between Great Britain and Italy, because Great Britain will never feel safe with her artery, her lifeline, within a few miles of an island owned by the Italians in the middle of the Mediterranean, some 50 miles from the fortifications of Malta. Great Britain will never feel safe with her artery in such close proximity to the right-hand shores of northern Africa as you proceed southward through the Red Sea, with Eritrea, to the north of French Somaliland, owned by the Italians, because such territory is capable of fortifications as strong as are the fortifications at Aden, in Arabia.

I say without hesitation that the conflict now going on is a war of maneuvers between Great Britain and Italy, and not, as the propagandists have claimed before the world, a war between Italy and Ethiopia.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. REYNOLDS. Yes; I yield.

Mr. VANDENBERG. The Senator has been discussing the capacity of these European debtors to pay and their unwillingness to exercise that capacity.

Mr. REYNOLDS. Yes, sir.

Mr. VANDENBERG. I think the Senator has overlooked one very pertinent exhibit. I think it will be shown upon inquiry that the amount of defaulted war debts due us is more than equaled by the investments which foreign investors in these defaulting countries have made in American securities on our listed exchange during the period of default.

Mr. REYNOLDS. I thank the Senator. That may be true, Mr. President. Of course, the investors of continental Europe, the persons who have funds for investing, have unquestionably and naturally, for that matter, sent those funds to the United States and made enormous investments here.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. REYNOLDS. I yield.

Mr. VANDENBERG. Furthermore, in making those investments they have given themselves the benefit of our depreciated dollar, which has a direct and specific cash advantage to the foreigner, and as a result their investments are worth nearly double the same investments if made by our own citizens.

I call the Senator's attention to the further fact that it is constantly asserted that even if there were a willingness to pay there is no means of creating the exchange. If there is a means of creating an exchange to settle a billion dollars' worth of purchases of our securities on our exchange, certainly the equivalent value in exchange would be available to pay the war debts if willingness existed.

Mr. REYNOLDS. I ask the Senator if it is not a fact that the nationals of other countries in the world have likewise made investments in this country?

Mr. VANDENBERG. Oh, yes.

Mr. REYNOLDS. And, of course, we have made very great investments. I am glad the Senator mentioned the matter of investments, but I also wish to mention it.

Mr. President, I merely refer in general terms to these things as a result of an inquiry directed by my friends here in the Senate with regard to our turning our eyes away from the Orient and away from continental Europe. I say that we should turn our attention to the South; and I believe the contention that we should turn our eyes and our attention southward is backed up by the fact that we know that the great powers of the world are concentrating their efforts upon trade with Mexico, with Guatemala, with British Honduras, with Spanish Honduras, with Salvador, with Costa Rica, with Nicaragua, with Panama, with Venezuela, with Colombia, with Paraguay, with the great countries of Brazil and the Argentine, and all the countries south of us. The great nations of the world, such as Great Britain and Japan, are directing their attention southward, where our attention should be directed at this time.

Let us see about that. We have been doing business in the Orient for many, many years. Shortly after this country was organized, so to speak, we began to reach out into foreign fields in an earnest endeavor to benefit the people of these newly planted shores. After we had made some advancement we decided that we wished to go into the Orient. We had heard about the great amount of money that was made by the Dutch, by the English, by the Spanish, by the Portuguese, and many others, in the oriental trade. So, after we became somewhat of a nation, we desired to trade with Japan, and we desired to trade with China and other countries of the Orient; and we endeavored for a number of years to create and bring about that trade.

Incidentally, prior to the time we had an ambition to go into the Orient and trade there, Great Britain and other countries of continental Europe had the same ambition, and endeavored to increase their trade with all the countries of the Orient; but they desired particularly to trade with Japan, which then was a hermit nation.

In 1853 Japan was a hermit nation. That was before she had made her conquest of Korea, which has been mentioned upon the floor of the Senate. In 1853, after other countries had failed to open up the doors of commerce of Japan, we sent an admiral there with a fleet; and he went there, according to all we can gather, for the purpose of opening up the doors of Japan to the commerce of the world.

Fortunately, we did not have literally to kick down those doors, but we are told that we figuratively did. It was understood that if the Japanese did not open up, we would kick the doors open. That was in 1853. So the Japanese opened the doors. They moved their capital to Tokyo, from the central portion of the larger island, one among many constituting the Empire of Japan, and we made her open her doors not only to us but to the world. So the Japanese began to trade with the world, although until 1853 Japan had been a hermit nation. After they had put a few ships upon the sea, and began to have intercourse with the countries of other portions of the world, I believe we said to them, "Now, you ought to have some warships to protect that commerce. We will build them for you"; and we did build them and made them pay us.

Great Britain also said, "You ought to have some warships to protect those ships of yours, and we are going to build them"; and they did build them, and collected payment for them.

Japan has developed from that time to a point where today we must be fair and admit that she is the most powerful nation in all the Orient. If we want to be frank and candid—as we always should be if we are ever to benefit ourselves in speech or action—we must admit that Japan apparently has an ambition to become the lord and master of all the Orient. When we speak of all the Orient we speak of almost 1,000,000,000 people. There are 2,000,000,000 inhabitants of the world at the present time, according to all the statistics we

can gather; but, of course, that is an extremely difficult task, because the population of countries like Afghanistan or India or Ethiopia is estimated at anywhere from 6,000,000 to 15,000,000 people, and there is no way of telling accurately; but, anyway, let us estimate the total number at 2,000,000,000.

Japan, I believe, has an ambition along the line I have stated. Everybody is entitled to an ambition, so far as that is concerned. We are doing some trading over in the Orient now, as the Senator from South Carolina [Mr. SMITH] knows; and we desire to continue to do business with the countries of the Orient. We wish to continue upon friendly terms with Japan, because Japan is our best customer today. I speak feelingly about that, particularly because I see sitting within the sound of my voice two of the South's great leaders in the persons of the Senator from Georgia [Mr. RUSSELL] and the Senator from South Carolina [Mr. SMITH]; and why do I particularly refer to those Senators? Not for the purpose of flattering them but because I know they are interested in the people of their respective States. The billion-dollar crop of the United States today, as it has been for many years gone by, is the cotton crop. If today we were prevented from producing any cotton in North Carolina, South Carolina, or Georgia, all three of our States would be wrecked commonwealths—three unfortunate musketeers.

Mr. President, why do I say that? I say it because Japan is our best customer; I say it because Japan is the best customer of the people of North Carolina, of the people of South Carolina, and of the people of Georgia, as well as the people of the other cotton-growing States of the South, because cotton is our billion-dollar crop in the United States.

Japan, insofar as cotton is concerned—and that is our big concern—is a friend to North Carolina, and leading on southward to the northern strip of Florida and then proceeding westward across Louisiana, Arkansas, Mississippi, and into Texas, and finally finding our way into New Mexico, Arizona, and southern California, where long- and short-staple cotton is produced, because in the fiscal year ending June 30, 1935, Japan bought more cotton from us than did Germany, France, and Italy combined.

During the same period Japan paid us approximately \$115,000,000, and what would we poor cotton producers of this country have done if it had not been for that 115 million of sound dollars which flowed into this country and were distributed to the poor cotton farmers and the tenant farmers and the plantation owners of the South, in whom we are materially interested?

Mr. President, we have made a lot of money in the South and in the State of my friend the Senator from Massachusetts [Mr. COOLIDGE], the chairman of the Committee on Immigration. We have made a lot of money on textiles; we have made a lot of money out of cotton in this country; we have made a lot of money in converting the raw cotton into textiles and putting it on board our merchant marine and sending it to the four corners of the earth, but principally to the Orient where more cotton goods are consumed by 500,000,000 of the people residing in China than pounds of the finished product are used by the people of all the other portions of the world generally together.

We have done well; we have thrived upon our trade with the Orient, principally on account of our cotton. But this is a changing world. Like characters, like individuals, like every political subdivision of the United States, the world is constantly changing; every nation of the world is constantly changing. In economic conditions, in trade relations, this is a changing world.

We want to continue to sell all the cotton we can sell. Unfortunately other countries of the world are pricking up their ears and growing cotton. In Brazil they are growing it, everybody knows. In Egypt, controlled by Great Britain, cotton is being grown, as everybody knows. In Russia they are growing it, as everybody knows. In India and China, as everybody knows, they are growing it. But does everybody know that there are over 50 countries upon the face of the earth which today are growing cotton in competition with our producers of the South? That makes us more interested

in the class and classification of people in our southland who are producing cotton.

Mr. President, that reminds me that I should say now that we want to continue on friendly relations with Japan. What has Japan done to us—what has she done to us? We went there and kicked open her gates. She thrived. When her population advanced to 70,000,000 people—97,000,000 if we take into consideration all of her nationals in Korea and other countries—it was necessary for Japan to industrialize, because the amount of soil capable of being tilled—producing soil, arable soil—in her islands was no more, I venture, than that soil which is subject to cultivation in one State of this Union—the State of California. So for self-preservation she had to industrialize, and in industrializing she built great textile plants, and when she completed those great textile plants she had to buy cotton from the United States, and in buying cotton from the United States she confined the purchases to the South, where we produce it. Why should we be angry with Japan?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am glad to yield.

Mr. RUSSELL. The Senator has very correctly stated that cotton is a crop of tremendous importance to the South. I would not have him leave the impression that it is of importance only to the South. That is an error into which too many people fall. Cotton is of great importance to every section of the United States. It has been our great staple export crop for a hundred years, and has maintained the balance of trade in favor of the United States. The exportation of a bale of cotton from the South to Japan, to Germany, to England, brings money here, and that is expended and is beneficial to every section, even where the people have never seen a cotton stalk or a bale of cotton. I hope the Senator will not leave this subject with the idea existing that cotton is of importance only to the South, because that has been one of the handicaps to cotton, the fact that people of other sections have looked upon it as a sectional crop, whereas as a matter of fact and truth it has been one of the prime factors in making the United States the richest nation of the earth.

Mr. REYNOLDS. The Senator is correct, and I take this opportunity to thank him for his most valuable contribution. Cotton! King Cotton! It has aided the United States in its trade with virtually every part of this world, and it has brought to this country millions upon millions of dollars every year from Japan, where the people had to have it for the purpose of converting it into the finished product in many and varied and sundry forms for exportation to other portions of the world.

Mr. President, some of us have been a little bit peeved at Japan because they have gone into China and taken away some of our trade. Some have been a little peeved because they have gone into Siam, and Indochina, and Syria, and India, and all of the countries of the East Indies, and into Borneo and all the rest of the Orient. Why should we be peeved? Why should we grow angry? To become angry weakens an individual. To become angry weakens a nation. When the time comes when competition is keen, when the interests of the American people are involved, that is the time for us to hold our tempers; that is the time for us to put into operation, not our muscular selves, but to make utilization of our mental capacity. Let us outthink them.

We are not going to have any war with Japan. Why should we pick a fuss with the best customer we have in the world? Why should we of the South, I ask the noble Senator from my sister State of South Carolina [Mr. SMITH], and the young courageous Senator of another sister State, Georgia [Mr. RUSSELL]—why should we pick a fight with that country which is our best customer and whose doors we kicked open and of whom we made anything but a hermit nation?

If you are running a grocery store, Mr. "Ed"—Senators will pardon me; I have great reverence for my colleague, having known him for years. I am always courting favor with him because he has a lot of friends in North Carolina who admire him also—if you are running a grocery store,

a cash-and-carry store, and there is living in your neighborhood a couple, a man and wife, and the good wife does the shopping every morning, as millions of housewives do in the United States, she goes to your store every morning with an empty basket on her arm, she sees the prices of the goods upon the shelves and she makes selection of the different articles of household use or of food which she desires, you pick them out, or she does, and she fills the basket.

It might be one of the Piggly-Wiggly stores, through which the customer goes and picks out the goods. When she fills the basket, she comes to your desk or cash register and she pays you cash, and she is coming there every day. Are you going to insult that lady? You are not. When she comes into your store in the morning, to you it will be like a ray of sunshine entering your door. You are going to say, "Good morning Mrs. So-and-So! How well you look!" However ugly she really is, you will not fail to remark to her that she is looking beautiful. Even if she is the ugliest woman in the world, you will say "How well you look today!" You will tell her how well she is looking, because you want to continue to curry favor with her. She is your best customer.

Why, now, should we pick any fight with the people on the other side of the world? They buy goods from us. They have bought just about all of our scrap iron. I do not know what they are going to do with it. Perhaps they are going to build battleships with it. We were the first to encourage them to build battleships.

Many persons in this country are unduly exercised about a possible war with Japan. I think the time has come, Senators, when we should see things in the light in which they ought to be seen. Instead of trying to make enemies of the people of this world, I think we should make friends of them. None of them love us. They all hate us. It is natural that they should do so, because we are great; we are powerful; we are the greatest nation on the face of the globe. A nation is really nothing more than a great number of individuals.

If one man is puny and weak and emaciated, it is the perfectly human thing, it is the perfectly natural thing for him to be envious of a big, fine-looking fellow like Jack Dempsey. So one little nation is naturally envious of a great big nation for the reason that nations are nothing in the world other than individuals. Here we have a county, but if there is not a soul living in that county there is nothing to it. The same thing would apply to a State if there were no people living in the State. The same thing applies to a nation; unless there are people living in that nation, it is no nation. A nation is simply made up of individuals. It is a great collection of individuals, after all.

Over in Japan they have been buying from us more cotton than has any other nation in the world; and, as I stated a moment ago, in 1935 Japan bought more cotton from us than Germany, Italy, and France combined, and paid us \$115,000,000. So it has been that for years upon years which have gone by they have been preserving, in a sense, and maintaining, in a large degree, the cotton farmers of the South. But we note regretfully that since 1932 there has been a slump. At that time I believe we exported about 60 percent of the world's consumption of cotton. In 1935 the amount had decreased to 40 percent.

Senators, do we want to see that decrease continue? We of the South do not, and Senators from every one of the 48 States of this Union do not want to see that decrease continue, because that exportation, which is of benefit to our Southern States, is of benefit to the whole of the United States of America. However, that export has gradually fallen off; and if we take it upon ourselves to make our best purchasers mad by crying war between Japan and the United States, do Senators think Japan will remain our best customer? No; and I am going to prove that that answer "no" is correct by Senators' own reactions.

You are a purchaser of goods every day. You buy your clothes at a store here in Washington. You go into that store and buy a suit; and if the clothier says, "Oh, you have not enough money to pay for a suit. You are not the type of man we can fit a suit of clothes on. We do not want

your business", are you going back to him when you want another suit? Certainly you are not. You are going to the man who conducts his store business in a courteous manner and who lets you know that he appreciates your business.

That brings to mind another thing which I desire to pause for a moment to mention. I believe that if I were in the mercantile business I should be an immense success, and I will tell Senators why. When I go into a store in Washington anywhere and spend 10 cents or \$10 I hand the clerk the money; and it has been my habit for years, when I have done so, to say to the clerk, "Thank you so much." It has just dawned upon me that the one to whom I am giving my money, and with whom I am trading, should thank me; but I have been thanking him all the time. I shall have to quit doing that.

When I take the elevator in the morning and get out of it I always say to the boy operating the elevator, "Thank you." I am going to quit saying "Thank you" to the one whom I am favoring.

Japan and the other countries with which we are dealing are going to take the same position. Why should they continue to trade with us when the stuff we have to sell to them can be obtained by them from 50 other countries of the world?

Let us see something about this cotton-textile business. Russia increased its output manifold last year, as Senators all know. Within 10 to 25 years from now the machinery of the world will be adapted to use all kinds of cotton. Machinery will be brought to the point of perfection where other countries can use any sort of cotton to make their textiles. Down in Brazil, as the Senator from South Carolina [Mr. SMITH] knows—I have talked with him about it, and know that he does know all about it—although they are not producing much cotton now, they have more land which is adaptable to the cultivation of cotton, when cleared, than we have in the whole United States of America. So let us not become too cocky. Let us try to remain on friendly terms with everybody.

I wish to say, particularly to my colleagues from the South, the Senator from Alabama [Mr. BLACK], the Senator from Georgia [Mr. RUSSELL], the Senator from South Carolina [Mr. SMITH], and the Senator from Tennessee [Mr. McKELLAR], as well as to other Senators who are interested in this subject, that the textile problem is giving me considerable worry. I know it is likewise giving worry to the Senator from Massachusetts [Mr. COOLIDGE], because he is interested in the great textile manufactures of his own State.

Mr. COOLIDGE. And those in the Senator's State also.

Mr. REYNOLDS. And those in my State also. What is worrying me is this:

Japan has become one of our great competitors in the textile business; but our other great competitor is Great Britain. This is a changing world. For years past Great Britain, Japan, and the United States have been making a great deal of money by manufacturing the raw product of cotton into sundry finished products and selling them to half the world's population—1,000,000,000 people, who are cotton wearers more so than are our people of the South. But the countries to which we have been selling, the countries with which we have been dealing and have been making money by selling them cotton goods, have at last, unfortunately for us, gotten wise to themselves.

They have gotten wise to themselves in that they are now saying, "Why should we of Siam, why should we of Indochina, why should we of India, why should we of Afghanistan, why should we of Syria, why should we of China, buy this product from America, Japan, or Great Britain? Why should we not manufacture it ourselves and save the profit which is going to these great nations?" That is the point I wish to touch on in speaking of the countries of the East.

According to the best estimates, China has a population of 500,000,000 persons. The United States, Great Britain, and Japan have heretofore had an advantage over China; but today innumerable textile plants are being established in China by the capital of the world. If I am incorrect about this, I wish my learned friend the Senator from

Michigan [Mr. VANDENBERG] would correct me. American capital invested in China today is around \$500,000,000, whereas American capital invested in Japan today is around \$450,000,000. China is building its own textile plants. There are almost as many textile plants, as I observed only last December when I was there, in Bombay, India, as there are in Lancaster, England. There are 25 or more huge textile plants there. In China, with its 500,000,000 people; in India, with its 350,000,000 people; they have gotten wise to themselves, and they are establishing their own textile plants and growing their own cotton. It is a problem that we in the future shall have to confront, and in dealing with the problem pertaining to cotton I say we should not drive our friends from our doors.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. WALSH. Is it not true that the change which the Senator is describing as taking place throughout the countries of the world is applicable not only to textiles but to every other commodity?

Mr. REYNOLDS. Absolutely. I am glad the Senator from Massachusetts injected that statement at this time.

Mr. WALSH. And does not that mean that for the first time, or at least at the present time, we are confronted with the problem of demanding and insisting that the home market be retained and preserved for our manufacturers, when we are losing on all sides the foreign market?

Mr. REYNOLDS. The Senator is exactly correct. We are not only facing competition in textiles and shall have more competition in the future from all the countries in the world with which we have been dealing and from which we have extracted great sums but we are facing competition in every line of endeavor so far as manufacture is concerned.

Mr. WALSH. That is happening even in the case of boots and shoes, which were first manufactured in this country.

Mr. REYNOLDS. Yes; and they are now manufactured in large numbers in Czechoslovakia.

Mr. WALSH. The making of shoes has been a typical American development. We make the best shoes in the world. And now, as the Senator suggests, our shoe manufacturers are in competition with those of Czechoslovakia and other countries; our manufacturers are losing rapidly the foreign shoe market and are threatened with an invasion of foreign shoes.

Mr. REYNOLDS. The Senator is entirely correct.

Mr. WALSH. Another untoward situation that confronts the American producer is that machinery which we have perfected in this country, the best machinery in the world, is now available in every part of the world, and the people of other nations can use our machinery and produce as great a volume as we can at very much cheaper wages.

Mr. REYNOLDS. Because they pay to their laborers engaged in the manufacture of shoes and in other industries about one-tenth of what is paid the American laborer.

Mr. WALSH. Exactly.

Mr. REYNOLDS. As the Senator has so well and wisely said, not only is shoe machinery manufactured, devised, and patented in this country available to all the other countries of the world but likewise textile machinery is available to Japan and every other country of the world.

Referring to textiles, Siam, that has been buying textiles from America, Japan, and Great Britain, is putting in her own textile plants in order to supply her own people. When I was in India I had the pleasure or the enviable opportunity of meeting an engineer from continental Europe. He had been in Indochina discussing the erection of textile plants. He was on his way to Afghanistan, which is northwest of Delhi and which has a population of about 10,000,000 people. He told me that they were going to spend between fifteen and twenty million dollars, as I recall, in building textile plants in order to supply the 10,000,000 people of that country.

Syria a number of years ago set aside an appropriation for the purpose of erecting textile plants there, but they have not thus far been able to make much headway on account of Japan using Syria as a dumping ground.

So I say, Mr. President, these are changing times; this is a changing world; and I do not believe that we should continue to focus our energies—at least all our efforts—toward the Orient in order to maintain the trade of this country, but that we should look in other directions to maintain the standards of living of the American workingman, in whom every one of us is interested.

As for a war between the United States and Japan, which has been suggested daily in the press and in other quarters, that is the furthest thing from my thought. If anyone will sit down and reason it out, I believe he will come to the same opinion about it which I hold today. Why? We know that Japan cannot be compared with the United States in any respect at present or potentially. A country's power depends upon the resources which God has given it. Japan has already developed more than half her potential water-power. Japan has no steel, no iron, no coal to speak of. She has 97,000,000 people, and she is busy with an army of 800,000—doing what? Policing and taking charge of Manchukuo. We all know, if we are to believe the press, that the time is not far off when probably she will have difficulty, as she has had small skirmishes heretofore, with outer Mongolia, in which she is interested.

There is the danger zone for her, because likewise Soviet Russia, with her 178,000,000 people and her Army of over a million is interested there. Japan will always have all that she can do to maintain order and peace in Manchukuo, where millions of Chinese from the south are going yearly. She will also have all she can do to combat the communistic hordes and forces from the section north of her.

As a matter of fact, Mr. President, to be perfectly frank, I think the people of the United States are somewhat fortunate in that between us and Soviet Russia there lie the islands of Japan with their 97,000,000 people. Why? Because in Japan today, in an underground way, there is an undercurrent of communistic forces working day and night in the endeavor to overthrow the Japanese Government, and also near the Russian border the Japanese are in conflict with the great hordes from Russian soil. So let us dismiss the thought of such a war from our minds. Let us try to make friends of the Orient rather than enemies.

Let us look southward for our trade of the future, and let us create friends of those countries lying to the south of us. Let us do that, and we will do that if we are interested in the workingman of this country.

The Senator from Massachusetts has brought to the attention of this honorable body the fact that American machinery is going to all the nations of the world—machinery designed to manufacture shoes, textiles, and almost everything else that we can make in this country in competition with what we are doing here. Mr. President, do you realize that the men, women, and children in foreign lands are working for about 10 percent of what the American laborer is getting today? I mention that because therein lies the trouble.

The great trouble that we are to meet, the great trouble that we shall be forced to face in this country sooner or later—and the time is almost here now—is how are we, under heaven, to be able to continue to maintain the high standards of living that we have maintained for the laboring men of this country? That is the momentous question that is facing every man in this body, that is facing every living breathing soul between the Atlantic and the Pacific from the heavily timbered forests of the State of Michigan to the pine-clad slopes of Florida the question is how in the world, under conditions of today, will we be able to maintain the high standards of living that labor in this country has always maintained? When I reflect upon the fact that up to this hour everything in the world has been done for the laboring man of this land, and up to this hour we have been able to maintain his standard of living and life, I realize the interest that has been evidenced in the laboring man of this country by the members of this deliberative body.

Mr. President, I should like to be permitted to continue briefly on the subject of immigration and the registration of aliens.

There is now on foot an agitation to open wider our gates to refugees from various lands where the people are suffering from dictatorships. We, as trustees for the American people, cannot countenance breaking down the existing immigration barriers. We are experiencing high-pressure propaganda to fill some particular quota from some country or another, when humanity demands that we should send back the aliens now here who are being supported by public funds. They should be returned to their homelands. Furthermore, we have no effective legislative barrier against the admission of aliens from various countries of North and South America, as has been mentioned by one of my colleagues.

At this time permit me to return to the figures regarding illegal entries. The last report of the Commissioner of Immigration says that—

It is, of course, impossible to determine accurately the number of aliens who have entered the country illegally, but the best available estimates are that the number of such aliens now subject to deportation, if detected, is less than a hundred thousand.

Gentlemen of the Senate, notwithstanding the estimate of the Commissioner of Immigration, only a few days ago an official in one of our large cities in advocacy of a local registration measure estimated the illegal entrants in his locality alone to be about 300,000. The contrasting figures prove that there is no definite available information on this subject.

The time has come for us to act. If there are 1,000,000 or 7,000,000 aliens here, we ought to know it. We ought to make it our business to find out. We ought to know what their occupations are; we ought to know how long they have been here, how long they propose to remain; we ought to know whether they are here legally or illegally; we ought to know whether they are desirable or undesirable. If they are undesirable and a burden on the American taxpayer, we want to deport them, and we should deport them.

The bill which I have introduced today proposes to expel definitely and positively all habitual criminals in the United States which the so-called Kerr bill certainly would not accomplish. The Kerr bill makes two holes in our immigration barriers for every one it plugs. This bill, and when I refer to "this bill", I refer to the bill I have just introduced, will be instrumental in providing, in a measure, all the facts which as legislators we need to determine our future immigration policy, and to determine our future course as regards aliens upon our soil which should be reserved for Americans, and, if enacted into law and enforced, will correct most of the evils from which we now suffer.

Mr. President, do you realize that in the annual report of the Commissioner of Immigration for the year ending June 30, 1934, it states that "40,000,000 of people crossed our land borders in the course of a year"? That was answered a moment ago when the inquiry was directed to me by the able Senator from Michigan [Mr. VANDENBERG].

If the statement just quoted is true, just wonder at the possible leakage which can never be correctly checked without the registration of all aliens in the United States.

In conclusion, may I respectfully direct the attention of every Member of this body to a study of my bill, which would reduce immigration quotas to one-tenth of the present quotas, and would make compulsory the immediate registration of every alien in this country, thus closing the gates of our fair land to undesirable immigrants and providing us with an opportunity to forthwith expel from our midst undesirables who are already here, those who occupy positions which should be filled by Americans, and those who are being supported by our Government at the expense of our already overburdened taxpayers.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the Senator from Massachusetts.

Mr. WALSH. Has the Senator made an estimate of the number of aliens who would be expelled in the event his bill should become a law?

Mr. REYNOLDS. The information provided me has been that if all the aliens in the country were rounded up who were subject to expulsion, the number would be in the neighborhood of a little less than 100,000. That is an estimate

given me by one official of our Government. However, let me state to the Senator that others who have assumed to know and who have advised me they have given considerable study to the matter, estimate the number at anywhere from 1,000,000 to 3,000,000.

I am glad the Senator interrupted me with his question. As a matter of fact, we have not the slightest idea how many aliens there are in the country at the present time who are not entitled to be here, who have never even filed an application for American citizenship.

Mr. WALSH. I have had the impression that in recent years the law with regard to registration, admission, and expulsion of those who had committed crimes, was being pretty well enforced. Has the Senator made any observation upon that point?

Mr. REYNOLDS. It is absolutely impossible to know without a registration law, and we have no registration law. Without a registration law it is absolutely impossible to tell how many aliens are here who are not entitled to be here. The Senator, I know, has traveled extensively. All of us who have had any experience in traveling throughout our country know that from the freighters, the mail ships, and all kinds of American and foreign vessels men are constantly slipping into the country without any right whatever to be here.

Mr. WALSH. There are large numbers who come over the borders from Mexico and Canada, whose quotas are restricted under our immigration laws.

Mr. REYNOLDS. That is true. I have just read a report from the Immigration Commissioner of the Department of Labor stating that 40,000,000 are crossing and recrossing our borders annually.

Mr. WALSH. That is, crossing the Canadian border and the Mexican border. A great many of them are merely visitors.

Mr. REYNOLDS. That is true. They come from Canada and from Mexico, but there are so many places of entrance which are not guarded that immigrants can come in and stay in, and there is no way to find out whether they have any right to be here or not.

Mr. WALSH. My attention was called to the fact that the Legislature of Arizona has taken some steps to get rid of the burden caused that State by refugees and others coming from Mexico and becoming public charges because of there being no limitation on immigration. I hope the Senator in his remarks, which I unfortunately have not heard in full, made a comparison of the present law with the bill he has introduced so we may know what are the limitations in the present law which the Senator wants removed and to what extent he desires to strengthen them.

Mr. REYNOLDS. In connection with the inquiry just directed to me by the able Senator from Massachusetts with regard to the number of people in this country who are really not entitled to be here, I should like to be availed this opportunity to read to the Senate a clipping from the New York American. One of the aldermen of the city of New York made a statement to the effect that there were 300,000 aliens in the city of New York alone who were not entitled to be there. He made that statement in support of a measure he was sponsoring to require compulsory registration of all aliens. The item appeared in the New York American of January 22 and was entitled "Alien Registration Provided in Aldermanic Bill." The item stated:

Police registration of aliens in New York City is sought in a measure introduced in the board of aldermen yesterday by Alderman Keegan, Bronx Democrat. Keegan declared his purpose to rout out 300,000 aliens believed to be here illegally and to bring 900,000 others under supervision.

Mr. President, I am constantly observing in the columns of the press items with reference to the entrance of people from all parts of the world to this country. I happened to pick up the following item, which appeared in the Washington Times of January 29, 1936:

MME. STAVISKY HAS NEW YORK JOB

NEW YORK, January 29.—Attractive Mme. Arlette Simon Stavisky, widow of the Franco-Russian swindler who fleeced his fellow Frenchmen out of some 30,000,000 francs, has arrived here to take a \$50-per-week job in a Broadway night club. She said:

"I don't speak very well English."

But when she was asked how much her night-club stipend would be, she replied quickly enough:

"It is too leetle to say—just feety dollaires."

I am wondering how she got into this country.

Mr. WALSH. I suppose she was admitted because of the exemption permitting those who are accomplished in the arts to enter the country.

Mr. REYNOLDS. Does the Senator recall whether she was on trial with her husband? I believe, though, her husband was killed. Was she on trial in southern France?

Mr. WALSH. I have no knowledge.

Mr. REYNOLDS. Someone told me she was.

Mr. WALSH. Evidently she came in under an exemption to artists. Just what her "art" is I suppose the night-club people know better than we do. [Laughter.]

Mr. REYNOLDS. Mr. President, I thank Senators for their kind indulgence. As a result of inquiries directed to me by several of my colleagues who have been so kind as to contribute to my remarks, I ask that some statistics which I have gathered from the Department of Labor may be included in the RECORD as a part of my remarks.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

Quota immigration visa statistics for the fiscal year ended June 30, 1935

Country	Annual quota	Visas issued against annual quota						
		Preference visas				Non-preference	Total quota visas	Percentage of annual quota issued
		Relatives of American citizens	Farmers	Relatives of aliens	Total preference			
Afghanistan	100							
Albania	100	19		59	78	7	85	85
Andorra	100							
Arabian Peninsula	100							
Australia	100	2		3	5	62	67	67
Austria	1,413	28		69	97	559	656	46
Belgium	1,304	25	1	4	30	140	170	13
Bhutan	100							
Bulgaria	100	3			3	42	45	45
Cameroon (Br.)	100							
Cameroon (Fr.)	100					2	2	2
China	100			5	5	37	42	42
Czechoslovakia	2,874	161		158	319	309	628	22
Danzig, Free City of	100	1			1	11	12	12
Denmark	1,181	11	1	17	29	124	153	13
Egypt	100	1		4	5	17	22	22
Estonia	116	6		3	9	22	31	27
Ethiopia	100							
Finland	569	11	1	28	40	66	106	19
France	3,086	55	1	73	129	310	439	14
Germany	25,957	293		604	897	3,756	4,653	18
Great Britain and Northern Ireland	65,721	136		347	483	1,570	2,053	3
Greece	307	81		37	118	186	304	99
Hungary	869	119	1	54	174	230	404	46
Iceland	100					2	2	2
India	100	2			2	20	22	22
Iran	100	1			1	13	14	14
Iraq	100			5	5	5	10	10
Irish Free State	17,853	27		74	101	221	322	2
Italy	5,802	957		682	1,639	568	2,207	38
Japan	100					8	8	8
Latvia	236	14		4	18	36	54	23
Liberia	100					2	2	2
Liechtenstein	100							
Lithuania	386	55		20	75	142	217	56
Luxembourg	100	1			1	12	13	13
Monaco	100					2	2	2
Morocco	100					3	3	3
Muscat	100							
Nauru	100							
Nepal	100							
Netherlands	3,153	23	29	23	75	186	261	8
New Guinea	100							
New Zealand	100	1		1	2	31	33	33
Norway	2,377	22	2	27	51	152	203	9
Palestine	100	1		8	9	39	48	48
Philippine Islands	50			31	31	19	50	100
Poland	6,524	482		232	714	1,042	1,756	27
Portugal	440	31		161	192	115	307	70
Ruanda and Urundi	100							
Rumania	377	100		34	134	176	310	82
Samoa, Western	100							

Quota immigration visa statistics for the fiscal year ended June 30, 1935—Continued

Country	Annual quota	Visas issued against annual quota						
		Preference visas				Non-preference	Total quota visas	Percentage of annual quota issued
		Relatives of American citizens	Farmers	Relatives of aliens	Total preference			
San Marino	100			8	8	4	12	12
Saudi Arabia	100							
Siam	100							
South Africa, Union of	100	4		3	7	34	41	41
South West Africa	100							
Soviet Union	2,712	85	2	32	119	262	381	14
Spain	252	18		72	90	162	252	100
Sweden	3,314	28	4	25	57	102	159	5
Switzerland	1,707	14		10	24	171	195	11
Syria	123	31		6	37	27	64	52
Tanganyika	100							
Togoland								
British	100							
French	100							
Turkey	226	113		16	129	97	226	100
Yap	100							
Yugoslavia	845	71		48	119	126	245	29
Total	153,774	3,033	42	2,987	6,062	11,229	17,291	11

Nonquota immigration visa statistics for the fiscal year ended June 30, 1935

Country	NONQUOTA VISAS ISSUED						Total
	Relatives of American citizens	Returning aliens	Natives of Western Hemisphere	Ministers and professors	Students	United States born alien women	
Czechoslovakia	362	17		20	14	1	414
France	90	123	3	19	35	2	272
Germany	418	194		39	54	7	712
Great Britain and Northern Ireland	480	517	55	45	134	27	1,258
Greece	438	66		4	5		513
Hungary	76	8		22	11	1	118
Irish Free State	93	113		3	68		277
Italy	4,541	226	3	24	24	6	4,824
Japan	9	121		63	55	2	250
Norway	121	50		8	15		194
Poland	697	35	3	34	25		794
Rumania	122	4		11	7		144
Soviet Union	121	23		11	11		166
Spain	107	117	12	27	12	2	277
Sweden	47	94		10	15	2	168
Turkey	139	30		12	33		214
Yugoslavia	227	27		1	2	1	258
Other quota countries	758	203	6	53	428	6	1,454
Total	8,846	1,968	82	406	948	57	12,307
Argentina		6	43	2	5	1	57
Bolivia			3				3
Brazil		2	37		6		53
Canada		305	79	5,053	53	186	5,692
Canal Zone			5				5
Chile			6	35			42
Colombia			9	112	1	4	126
Costa Rica				60			60
Cuba		8	14	301		48	371
Dominican Republic				79		1	80
Ecuador			2	26			28
El Salvador		4	5	52			61
Guatemala			8	31		9	48
Haiti			1	8			9
Honduras		2	16	55		3	76
Mexico		97	36	1,088	27	92	1,342
Newfoundland		10	2	79	1	5	97
Nicaragua			7	50		2	59
Panama			3	111		1	115
Paraguay				1			1
Peru		1	1	35		3	40
Uruguay			1	9		1	11
Venezuela			30	126		15	171
Total for Western Hemisphere	429	234	7,399	84	382	20	8,548
Total for all countries	9,275	2,202	7,481	490	1,330	77	20,855

Mr. COOLIDGE. Mr. President, on the last call of the calendar I had hoped the Senate would pass the immigration bill which had been reported to the Senate during the last session. I refer to the bill (S. 2969) to provide for the deportation of certain aliens, and for other purposes.

The Senator from Georgia [Mr. RUSSELL] informed me there was new legislation in the bill and that he wanted to look it over before it was passed. Necessarily there had to be some new legislation, because, as I stated at that time, it was a clarifying bill.

The point of the bill was the provision allowing those who were desirable from the standpoint of residence and potential citizenship to remain in this country and to give the Department of Labor ample power to send out of the country undesirable aliens—and the term “undesirable aliens” is a very broad one.

There did not seem to be any objection to the bill when it was reported to the Senate; and I thought that during the period of some 9 months between the last session of the present Congress and this session, if the constituency of any Representatives or Senators had objections to this measure they would naturally, during this long period, have time to take up the matter with them. Since I asked to have the bill passed the other day, however, I find that there is some objection to it.

Last Tuesday, the 11th of February, I delivered a 15-minute address over the Yankee radio network, which takes in all the New England States; and I may say that in every mail I am receiving editorials from numerous newspapers all over New England commending me for the position I took in that address. They all appreciate the fact that undesirable aliens are not wanted here.

Mr. WALSH. Mr. President, will my colleague yield?

Mr. COOLIDGE. Certainly.

Mr. WALSH. I had intended to request that the very able and informative radio address of my colleague be inserted in the RECORD; and I should be glad if the Senator would give the Senate the benefit at least of the substance of it. I desire to take this occasion to compliment him for his splendid discussion of the question of naturalization and immigration.

Mr. COOLIDGE. I thank my colleague.

I stated in the address to which I have referred that my committee, Congress itself, and I were all in favor of restricted immigration. I do not know how far we should go in this matter, or whether we should go as far as proposed by the Senator from North Carolina [Mr. REYNOLDS] who preceded me; but I have a few statistics which I should like to give to the Senate. I do not know how long the Senator from North Carolina had been speaking at the time I entered the Chamber, but when I did so he was presenting some statistics in regard to immigration.

Many misstatements have been made in public discussions with regard to immigration and naturalization, and many statements and statistics have been presented which are not true, according to information which I get from the Department of Labor. I do not think it makes much difference whether or not more aliens are going out of the country than are coming in. We are glad to have them go out if they wish to return to their old homes, and still restrictions should apply to those who are coming in here.

So, Mr. President, I will repeat portions of my address over the Yankee network last Tuesday. I do so because the address contains some statistics on this subject, and I am not sure how they jibe with the statements made by the Senator from North Carolina [Mr. REYNOLDS].

From 1901 to 1914 nearly 1,000,000 immigrants entered this country each year. The average was a little more than 923,000.

Under the act of 1924 immigration was reduced during the 6 years from 1925 to 1930 to an annual average of about 294,000. This was 31 percent of the pre-war average.

Early in the economic crisis consuls abroad were instructed to enforce strictly the clause in the act of 1924 prohibiting the issuance of visas to aliens likely to become public charges. By this ruling immigration for the 5-year period 1931 to 1935 was reduced to less than 5 percent of the pre-war average, or 44,041.

For a country so large as the United States, with a population of more than 120,000,000, this figure is small.

There is another point which should be emphasized in this connection. Each year aliens abandon domicile in the United States and return to their old homes. During the past 4 years the number of such alien emigrants leaving the United States has exceeded the number of immigrants admitted.

With comparatively few exceptions, the aliens in the United States today were admitted prior to 1931.

For the last 5 years immigration has been reduced to less than 45,000 per year and is more than counterbalanced by the outflow of aliens. The number of aliens in the United States today is less than 5,000,000. The total is being rapidly reduced by naturalization and by mortality.

Another matter concerning which there is gross exaggeration is illegal entry. It is frequently alleged that millions of aliens have entered the United States illegally, and are subject to deportation. A few aliens admitted as visitors overstay the time allowed them, a few evade the immigration border patrol and slip into the United States from Canada or Mexico, and a few more are smuggled. But there are not nearly so many of these cases as is commonly believed, and most of those who enter illegally are eventually apprehended and deported.

The former Secretary of Labor, William N. Doak, and the present Commissioner of Immigration and Naturalization, Col. D. W. MacCormack, after going into this question carefully and weighing all the known facts, each reached the conclusion that the total illegally here and subject to deportation does not exceed 100,000, instead of three and a half to ten million, as frequently alleged.

Let me state, as chairman of the Senate Committee on Immigration, that this Congress does not propose to relax in the slightest degree the existing restrictions on immigration. The country has determined on a policy of highly restricted immigration, and the policy meets with the approval of the vast majority of its citizens. Until employment can be found for the millions who are now jobless and on relief, it would be folly to admit new workers to compete with them.

A word now about naturalization:

There are many immigrants who have been in this country for years who have made no attempt to qualify as citizens of the United States. During the great flood of immigration, alien workers formed colonies of their own nationality in the great manufacturing and industrial centers.

It is doubtless true that when these aliens were actively employed there was little incentive to prepare themselves for citizenship, even though educational facilities for such preparation existed and do exist through our public-school system and other philanthropic and patriotic agencies throughout the United States.

I think the attitude of the Government has changed considerably in recent years with reference to aliens becoming citizens, in that we are more interested in good moral character, the applicant's attitude toward his home, his family, his neighbors, and the community in which he lives. My own idea is that we do not condone or care to have in this country undesirable aliens.

There has been a marked increase in naturalization in recent years. During the past 5 years final certificates of naturalization have averaged over 125,000 a year, or three times the number of immigrants admitted.

For the benefit of my committee and Senators I made an inquiry regarding the number of naturalization applications before one court, and was informed that at the present time there were from 1,200 to 1,500 per week. This is an increase of two and one-half times the number of applications before the same court prior to January 1, 1934. Much of this huge increase is due, first, to liberalization of State and Federal old-age pension laws; second, to those who have hopes of the adoption of the Townsend plan. Recently, when a judge asked an applicant, “Why do you want to become a citizen?”, the applicant frankly stated that it was because of public assistance to old age.

It is estimated that from 75 percent to 80 percent of those now applying for citizenship are doing so to derive benefits from old-age pensions.

In 1935 applications for first papers numbered 136,524, as compared with only 83,046 in 1933.

From information gathered it is apparent that industry is giving preference to American citizens rather than to aliens. The attitude of the employer necessarily throws this group of unemployed on the welfare list.

It is evident that immigrants are renouncing their allegiance to the lands of their birth and taking the step which will bind them with the ties of loyalty and patriotism to the land in which they have made their home.

With the educational opportunities offered them, there are few immigrants of good character here today who cannot, if they will, qualify themselves for American citizenship.

In view of these facts, which I have endeavored to make clear, what new legislation is required?

During the past 5 years 9,035 alien criminals and narcotic violators have been deported. Violators of the State narcotic acts are not deportable. It is proposed to make these violators deportable.

During the same period an additional 20,000 alien criminals have been convicted of crimes which would render them deportable. Under the present law they cannot be deported, and may remain here to create prejudice against law-abiding immigrants.

The proposed immigration laws provide that the alien shall be deported if convicted of a crime involving moral turpitude.

At the present time we can deport the alien who is smuggled into the country, but we cannot deport the alien smuggler. We may incur some expense as a result of his activities, because we can put him in jail and board him, but we ought not to be put to that extra expense. Costs of government are rising all the time, and we ought to eliminate all unnecessary expenses. It is proposed, therefore, that the alien smuggler shall be deportable with the alien he smuggles in.

It is proposed that racketeers and gangsters convicted of carrying concealed and dangerous weapons shall be deportable.

For lack of this authority, more than 5,000 illegal entries have escaped arrest and deportation in the last 2 years.

The existing law permits any judge or magistrate to stay the deportation of alien criminals in cases coming before him.

Such recommendations should be reviewed and approved before becoming effective.

There is, however, another side to the picture.

The deportation laws were intended to rid the country of the undesirable alien. We are only now beginning to understand that they serve to guard and protect the criminal alien while dealing with the greatest harshness and severity with the alien of good character.

Under the present law aliens of good character are deported, leaving their American-born wives and children destitute in this country to become charges on the State.

Wives are taken from their husbands, children from their parents, and sent to different countries. It is not unusual for the father to be deported to one country, his wife to another, and his children to a third. If children have been born to them in this country, they are kept here and placed in orphanages or other institutions supported with public funds.

Such cruel family separations are unworthy of a great country such as ours, and constitute a blot on our civilization.

In the bills Congressman KERR and I have introduced we recommend measures of discretion to avert some of these cruel family separations.

These cases are not numerous. Only 2,862 have been found in 3 years—an average of three families every 24 hours. Such figures mean little to a population of over 120,000,000.

What is the net effect of our proposals? We would permit aliens of good character to remain with their families.

On the other hand, we would be able to arrest and deport each year at least 2,500 additional aliens who enter or remain in the country illegally.

We would also be able to double or treble our deportations of alien criminals and narcotic-law violators.

The Senate bill 2969 and House bill 8163 is reasonable and would greatly increase the deportations of undesirable aliens. Such legislation, if adopted, would bring our laws dealing with the alien of good character into accord with American traditions of justice and humanity.

Mr. WALSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Massachusetts yield to his colleague?

Mr. COOLIDGE. I yield.

Mr. WALSH. Is the bill to which the Senator just referred the one which was called on the calendar on February 4, and to the consideration of which the junior Senator from Georgia [Mr. RUSSELL] objected?

Mr. COOLIDGE. Yes.

Mr. WALSH. Has the bill passed the House?

Mr. COOLIDGE. No.

Mr. WALSH. But it is on its way to passage?

Mr. COOLIDGE. Yes.

Mr. WALSH. It has been on the calendar favorably reported since the last session of this Congress, has it not?

Mr. COOLIDGE. It was reported during the first session of the present Congress.

Mr. WALSH. I hope the bill will be speedily enacted into law.

Mr. COOLIDGE. Mr. President, I might say that I hope to have at no distant date in the future an open meeting on the bill where everyone who is opposed or in favor of it may have an opportunity to be heard. We will also consider at the same hearing the bill of the Senator from North Carolina [Mr. REYNOLDS]. We will get as broad an expression as possible from all the organizations and individuals who appear for or against the bills.

Since I found that there was some objection by the Senator from Georgia [Mr. RUSSELL] and the Senator from Pennsylvania [Mr. DAVIS], my effort has been to get them to suggest such amendments as they would like to have added to the bill in order to make it satisfactory to them, and not kill the important feature of the measure. I hope to be able to bring before the Senate at no distant date some bill which will be entirely satisfactory to the different departments of the Government, to Senators, and to the citizens of the country.

CONSTITUTIONALITY OF FEDERAL FARM LEGISLATION

Mr. COSTIGAN. Mr. President, the senior Senator from Nebraska [Mr. NORRIS], whose consistent advocacy of human happiness, and equal constitutional rights, and whose other Lincoln-like sympathies, are recognized and admired in Congress and the country, spoke at length yesterday of the jurisdiction and power of the United States Supreme Court. Senator NORRIS on February 6 also made the following statement to the Senate about the pending substitute bill for agricultural recovery:

I think this bill is constitutional, but I doubt very much whether it avoids the Supreme Court opinion. I think there is a difference. This bill is constitutional, in my opinion, but I doubt whether it meets the requirements laid down by the Court. In other words, I want to draw a distinction between the Constitution and the judgment of the Supreme Court.

These quoted words of Senator NORRIS recall some famous similar comments of Abraham Lincoln on the 7-to-2 decision of the majority of the Supreme Court of the United States in 1857 in the Dred Scott case, in which the Supreme Court held unconstitutional the previously asserted power of Congress to declare slavery unlawful in Territories of the United States. The Supreme Court announced its decision in the spring of 1857, and the permanently binding effect of that ruling was immediately challenged with historical citations and impressive reasoning.

The majority opinion in the Dred Scott case was rendered by Chief Justice Taney who, speaking for himself and his associates, declared, in effect, that the Declaration of Independence and the Constitution of the United States, when written, did not, in fact, gage African slavery in this country other than from a property viewpoint; in other words, that slaves were not to be counted among human beings,

entitled equally to life and liberty, or to be counted among the "people of the United States", the promotion of whose "general welfare" is one of the specified objectives of the Federal Constitution.

Abraham Lincoln, in an address at Springfield, Ill., a few months after the announcement of the Dred Scott decision, argued that the decision of a majority of the Court was, under all the circumstances attending it, inconclusive. He indicated that, with due deference to the Court, it was the justifiable purpose of those who disagreed, to bring about a reversal of the majority decision. This expression of Abraham Lincoln's views, cited in part by the senior Senator from Nebraska, should perhaps be more fully incorporated in the CONGRESSIONAL RECORD. His analysis and conclusions draw force from historical events preceding and following 1857.

Lincoln's remarks at Springfield on June 26, 1857, are reported, in part, at pages 228-235, volume 1, of the Nicolay and Hay edition of 1920 of Lincoln's Complete Works. I ask that the portions I am indicating of those pages may be placed in the RECORD as part of my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

It was made by a divided court—dividing differently on the different points. Judge Douglas does not discuss the merits of the decision, and in that respect I shall follow his example, believing I could no more improve on McLean and Curtis than he could on Taney.

He denounces all who question the correctness of that decision as offering violent resistance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him?

Judicial decisions have two uses—first, to absolutely determine the case decided; and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called precedents and authorities.

We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of government. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it.

Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges and without any apparent partisan bias and in accordance with legal public expectation and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true, or if, wanting in some of these, it had been before the Court more than once and had there been affirmed and reaffirmed through a course of years, it then might be—perhaps would be—factious, nay, even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country.

I have said, in substance, that the Dred Scott decision was in part based on assumed historical facts which were not really true, and I ought not to leave the subject without giving some reasons for saying this.

Chief Justice Taney says:

"It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted."

And again, after quoting from the Declaration, he says:

"The general words above quoted would seem to include the whole human family, and if they were used in a similar instrument at this day, would be so understood."

In these the Chief Justice does not directly assert, but plainly assumes, as a fact, that the public estimate of the black man is more favorable now than it was in the days of the Revolution. This assumption is a mistake. In some trifling particulars the condition of that race has been ameliorated; but as a whole, in this country, the change between then and now is decidedly the other way; and their ultimate destiny has never appeared so hopeless as in the last 3 or 4 years.

In those days, by common consent, the spread of the black man's bondage to the new countries was prohibited, but now Congress decides that it will not continue the prohibition, and the Supreme Court decides that it could not if it would.

Mr. COSTIGAN. Mr. President, Abraham Lincoln, later in the same address, described the goal of the Declaration of Independence, as Thomas Jefferson penned and intended it,

in one never-to-be-forgotten sentence which has not been and is not likely to be improved. Lincoln said:

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere.

Further to illuminate where we are tending, I also ask leave to incorporate in the RECORD as part of my remarks portions of an able article published in the New Republic of January 29, 1936, under the title "The Constitution and the Future." It is by Dean Lloyd K. Garrison, of the University of Wisconsin Law School, who was chairman in 1934 of the first National Labor Relations Board. Dean Garrison, in his discussion, proposes an amendment to the Federal Constitution. Without including that proposed amendment or the author's discussion of his remedial suggestions, it will be helpful if Dean Garrison's summary of legislative restrictions imposed by various decisions of the United States Supreme Court on Congress and the States to enact certain laws, however constructive in the public interest, to improve some National or State peacetime economic conditions may also be printed as part of my remarks. I therefore ask that the first seven paragraphs of Dean Garrison's discussion, referred to, may be incorporated in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION AND THE FUTURE

The Supreme Court's decision invalidating the A. A. A. has added another significant item to the list of functions that neither the Federal Government nor the States can effectively exercise. These dual limitations have become so many and so serious that the old question of Federal power versus States' rights has lost much of its meaning. What we face now, at numerous and critical points, is the question, not how governmental functions shall be shared but whether, in substance, we shall govern at all.

In agriculture, for example, 48 separate legislatures cannot, as a practical matter (and perhaps cannot constitutionally), deal with a complex problem which cuts across State boundaries and is bound up with the tariff and foreign policies of the Federal Government. But the Federal Government cannot regulate production, and the Court has held that it cannot do so indirectly by purchasing the farmers' compliance under a voluntary scheme of regulation. Short of leveling tariffs and restoring a world market for our surpluses, for which we can scarcely hope for a long time to come, any substitute for the A. A. A., if one can constitutionally be devised, is bound to be a limping and makeshift expedient which the Government would never have proposed had it had a free choice of policy.

In the industrial field Congress cannot (except in respect to interstate carriers) regulate wages, hours, prices, or (in all likelihood) labor relations; but, for practical purposes, neither can the States, save in isolated categories; for their industries compete with one another, and apart from these obstacles, which are controlling, there is much doubt under the due-process decisions as to how far the States can act. The possibility of negotiating interstate compacts in these clashing and controversial fields on any significant scale seems too remote for argument.

When we turn to social-security measures we learn from the courts that Congress cannot require even interstate carriers to adopt pension plans, because this is not a regulation of interstate commerce; and that the States cannot do so either, because they would then be interfering with interstate commerce. The recent attempt of Congress to attain its objects indirectly by taxing the carriers and providing its own pensions, may come under the ban of the A. A. A. decision. In the case of other industries, social-security regulation by the States runs up against the stubborn competitive factor, while in the light of the A. A. A. decision that part of the Federal Social Security Act which seeks by indirect methods to bring about unemployment-insurance laws may well not survive. Similarly in the case of child labor the Federal Government cannot abolish it directly, or, as the Court has held, indirectly by taxing it out of existence or by barring the shipment across State lines of goods made by child labor. But, paradoxically, the States cannot, under the decisions, bar the shipment of such goods into their territories, even to protect local industries not using child labor, so that the problem is relegated for solution to a long and uncertain future.

With respect to the conservation and control of natural resources, such as coal, oil, and timber, it is clear that competitive considerations and local pressures will hinder and probably prevent any effective State action. But Congress cannot regulate the use of these resources, and under the A. A. A. decision it can hardly do so indirectly. So with soil erosion, Congress cannot regulate land use, and since it may not pay farmers to plow up land for the prevention of surpluses, it presumably may not pay them to plant grass for the prevention of erosion.

The power we need to make us masters in our own house is Federal power. The maladies we suffer from are national in character, and they were utterly unknown and unforeseeable a hundred and fifty years ago, when the limited prerogatives of Congress were laid down. We are confronted now by an increasing proportion of liquid and unstable wealth, subject to all the

hazards of fraudulent manipulation, of bank runs, failures and stock-market upsurges and collapses, which injure the entire country; a dominant and tariff-protected industry side by side with an unprotected agriculture whose depressed purchasing power affects a third of the people directly and all the rest indirectly; rigid prices and curtailed production controlled by great semimonopolies beyond the reach of the antitrust laws, side by side with the flexible prices and cut-throat competition of farmers and small-unit producers; an industrial plant which at its peak has never even approached capacity, side by side with millions of unemployed and tens of millions of underprivileged, whose consumptive wants have never remotely been satisfied; billions of savings chronically far in excess of productive reinvestment opportunities and circling in speculative exchanges, side by side with crime-breeding slums and a vast range of needed public works and services; rapidly disappearing and shockingly wasted natural resources; and accelerating soil erosion, with the chairman of the Mississippi Valley Committee warning us that we have "but 20 years' grace to save the land."

These and other maladies are continental in their scope, their complexity, and their effects. They are not likely, if history means anything, to cure themselves, for they were with us, growing and lightly disregarded in the gay twenties and before then. They cannot conceivably be dealt with by 48 uncoordinated legislatures. They require long-range national policies and, therefore, an amendment to the Constitution, since the power is not there. What these policies should be, I do not pretend to know. They will have to be developed by the legislative process in the light of changing and unpredictable circumstances. The case for amending the Constitution does not depend upon producing in advance, which no one is competent to do, a blue print of projected legislation. It depends simply on the fact that our national problems appear to have outrun our constitutional capacity to deal with them. Nor should the unfavorable outlook for obtaining an amendment in the near future foreclose discussion either of its desirability or its form, the more so since the vital question of form is a difficult one which ought to be thoroughly considered and debated, and the sooner the better.

Mr. COSTIGAN. Mr. President, it is significant that Lincoln in 1857 urged, as one reason why the Dred Scott decision should not be taken as final, that it represented merely a first expression of the views of the majority of the Supreme Court. Today we confront critical legislative problems affecting the welfare of millions of farmers because of a novel interpretation of the general-welfare clause of the Federal Constitution by a majority of the members of the Supreme Court. Americans who believe that the Constitution, as originally ratified, conferred adequate legislative power to authorize, if deemed by Congress and our President in the national interest, such statutory safeguards as those of the Agricultural Adjustment Act are, therefore, particularly indebted to Mr. Justice Stone and to the two other distinguished justices who concurred with him for the brilliantly forceful and persuasive assignment of reasons in the minority opinion for affirming the constitutionality of such farm legislation.

For convenient reference in this connection, I now ask to have incorporated in the RECORD the already historic dissenting opinion delivered by Mr. Justice Stone, with the concurrence of Mr. Justice Brandeis and Mr. Justice Cardozo, on the constitutionality of the Agricultural Adjustment Act.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States. No. 401. October term, 1935. *United States of America, petitioner, v. William H. Butler et al., Receivers of Hoosac Mills Corporation*. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Jan. 6, 1936]

Mr. Justice Stone:

I think the judgment should be reversed.

The present stress of widely held and strongly expressed differences of opinion of the wisdom of the Agricultural Adjustment Act makes it important, in the interest of clear thinking and sound result, to emphasize at the outset certain propositions which should have controlling influence in determining the validity of the act. They are:

1. The power of courts to declare a statute unconstitutional is subject to two guiding principles of decision which ought never to be absent from judicial consciousness. One is that courts are concerned only with the power to enact statutes, not with their wisdom. The other is that while unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government.

2. The constitutional power of Congress to levy an excise tax upon the processing of agricultural products is not questioned.

The present levy is held invalid, not for any want of power in Congress to lay such a tax to defray public expenditures, including those for the general welfare, but because the use to which its proceeds are put is disapproved.

3. As the present depressed state of agriculture is Nation-wide in its extent and effects, there is no basis for saying that the expenditure of public money in aid of farmers is not within the specifically granted power of Congress to levy taxes to "provide for the * * * general welfare." The opinion of the Court does not declare otherwise.

4. No question of a variable tax fixed from time to time by fiat of the Secretary of Agriculture, or of unauthorized delegation of legislative power, is now presented. The schedule of rates imposed by the Secretary in accordance with the original command of Congress has since been specifically adopted and confirmed by act of Congress, which has declared that it shall be the lawful tax (act of Aug. 24, 1935, — Stat. —). That is the tax which the Government now seeks to collect. Any defects there may have been in the manner of laying the tax by the Secretary have now been removed by the exercise of the power of Congress to pass a curative statute validating an intended, though defective, tax (*United States v. Heintzen & Co.*, 206 U. S. 370; *Graham & Foster v. Goodcell*, 282 U. S. 409; cf. *Milliken v. United States*, 283 U. S. 15). The Agricultural Adjustment Act as thus amended declares that none of its provisions shall fail because others are pronounced invalid.

It is with these preliminary and hardly controverted matters in mind that we should direct our attention to the pivot on which the decision of the Court is made to turn. It is that a levy unquestionably within the taxing power of Congress may be treated as invalid because it is a step in a plan to regulate agricultural production and is thus a forbidden infringement of State power. The levy is not any the less an exercise of taxing power because it is intended to defray an expenditure for the general welfare rather than for some other support of government. Nor is the levy and collection of the tax pointed to as effecting the regulation. While all Federal taxes inevitably have some influence on the internal economy of the States, it is not contended that the levy of a processing tax upon manufacturers using agricultural products as raw material has any perceptible regulatory effect upon either their production or manufacture. The tax is unlike the penalties which were held invalid in the *Child Labor Tax Case* (259 U. S. 20), in *Hill v. Wallace* (259 U. S. 44), in *Linder v. United States* (268 U. S. 5, 17), and in *United States v. Constantine*, decided December 11, 1935, because they were themselves the instruments of regulation by virtue of their coercive effect on matters left to the control of the States. Here regulation, if any there be, is accomplished not by the tax but by the method by which its proceeds are expended, and would equally be accomplished by any like use of public funds, regardless of their source.

The method may be simply stated. Out of the available fund payments are made to such farmers as are willing to curtail their productive acreage, who in fact do so and who in advance have filed their written undertaking to do so with the Secretary of Agriculture. In saying that this method of spending public moneys is an invasion of the reserved powers of the States, the Court does not assert that the expenditure of public funds to promote the general welfare is not a substantive power specifically delegated to the National Government, as Hamilton and Story pronounced it to be. It does not deny that the expenditure of funds for the benefit of farmers and in aid of a program of curtailment of production of agricultural products, and thus of a supposedly better ordered national economy, is within the specifically granted power. But it is declared that State power is, nevertheless, infringed by the expenditure of the proceeds of the tax to compensate farmers for the curtailment of their cotton acreage. Although the farmer is placed under no legal compulsion to reduce acreage, it is said that the mere offer of compensation for so doing is a species of economic coercion which operates with the same legal force and effect as though the curtailment were made mandatory by act of Congress. In any event, it is insisted that even though not coercive the expenditure of public funds to induce the recipients to curtail production is itself an infringement of State power, since the Federal Government cannot invade the domain of the States by the "purchase" of performance of acts which it has no power to compel.

Of the assertion that the payments to farmers are coercive, it is enough to say that no such contention is pressed by the taxpayer, and no such consequences were to be anticipated or appear to have resulted from the administration of the act. The suggestion of coercion finds no support in the record or in any data showing the actual operation of the act. Threat of loss, not hope of gain, is the essence of economic coercion. Members of a long-depressed industry have undoubtedly been tempted to curtail acreage by the hope of resulting better prices and by the proffered opportunity to obtain needed ready money. But there is nothing to indicate that those who accepted benefits were impelled by fear of lower prices if they did not accept, or that at any stage in the operation of the plan a farmer could say whether, apart from the certainty of cash payments at specified times, the advantage would lie with curtailment of production plus compensation, rather than with the same or increased acreage plus the expected rise in prices which actually occurred. Although the Agricultural Adjustment Act was put into operation in June 1933, the official reports of the Department of Agriculture show that 6,343,000 acres of productive cotton land, 14 percent of the total, did not participate in the plan in 1934, and 2,790,000 acres, 6 percent of the total, did not participate in 1935. Of the total number of farms growing cotton, estimated

at 1,500,000, 33 percent in 1934 and 13 percent in 1935 did not participate.

It is significant that in the congressional hearings on the bill that became the Bankhead Act (48 Stat. 598), as amended by act of June 20, 1934 (48 Stat. 1184), which imposes a tax of 50 percent on all cotton produced in excess of limits prescribed by the Secretary of Agriculture, there was abundant testimony that the restriction of cotton production attempted by the Agricultural Adjustment Act could not be secured without the coercive provisions of the Bankhead Act. See hearing before Committee on Agriculture, United States Senate, on S. 1974, Seventy-third Congress, second session; hearing before Committee on Agriculture, United States House of Representatives, on H. R. 8402, Seventy-third Congress, second session. The Senate and House committees so reported (S. Rept. No. 283, 73d Cong., 2d sess., p. 3; H. Rept. No. 867, 73d Cong., 2d sess., p. 3). The report of the Department of Agriculture on the administration of the Agricultural Adjustment Act (Feb. 15, 1934, to Dec. 31, 1934), page 50, points out that the Bankhead Act was passed in response to a strong sentiment in favor of mandatory production control "that would prevent noncooperating farmers from increasing their own plantings in order to capitalize upon the price advances that had resulted from the reductions made by contract signers." (Whether coercion was the sole or the dominant purpose of the Bankhead Act or whether the act was designed also for revenue or other legitimate ends, there is no occasion to consider now.) The presumption of constitutionality of a statute is not to be overturned by an assertion of its coercive effect which rests on nothing more substantial than groundless speculation.

It is upon the contention that State power is infringed by purchased regulation of agricultural production that chief reliance is placed. It is insisted that, while the Constitution gives to Congress, in specific and unambiguous terms, the power to tax and spend, the power is subject to limitations which do not find their origin in any express provision of the Constitution and to which other expressly delegated powers are not subject.

The Constitution requires that public funds shall be spent for a defined purpose, the promotion of the general welfare. Their expenditure usually involves payment on terms which will insure use by the selected recipients within the limits of the constitutional purpose. Expenditures would fail of their purpose and thus lose their constitutional sanction if the terms of payment were not such that by their influence on the action of the recipients the permitted end would be attained. The power of Congress to spend is inseparable from persuasion to action over which Congress has no legislative control. Congress may not command that the science of agriculture be taught in State universities. But if it would aid the teaching of that science by grants to State institutions, it is appropriate, if not necessary, that the grant be on the condition, incorporated in the Morrill Act (12 Stat. 503, 26 Stat. 417), that it be used for the intended purpose. Similarly it would seem to be compliance with the Constitution, not violation of it, for the Government to take and the university to give a contract that the grant would be so used. It makes no difference that there is a promise to do an act which the condition is calculated to induce. Condition and promise are alike valid since both are in furtherance of the national purpose for which the money is appropriated.

These effects upon individual action, which are but incidents of the authorized expenditure of Government money, are pronounced to be themselves a limitation upon the granted power, and so the time-honored principle of constitutional interpretation that the granted power includes all those which are incident to it is reversed. "Let the end be legitimate," said the great Chief Justice, "let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional" (*McCulloch v. Maryland*, 4 Wheat. 316, 421). This cardinal guide to constitutional exposition must now be rephrased so far as the spending power of the Federal Government is concerned. Let the expenditure be to promote the general welfare, still, if it is useful in order to insure its use for the intended purpose to influence any action which Congress cannot command because within the sphere of State government, the expenditure is unconstitutional. And taxes otherwise lawfully levied are likewise unconstitutional if they are appropriated to the expenditure whose incident is condemned.

Congress through the Interstate Commerce Commission has set aside intrastate railroad rates. It has made and destroyed intrastate industries by raising or lowering tariffs. These results are said to be permissible because they are incidents of the commerce power and the power to levy duties on imports. (See *Minnesota Rate Cases*, 230 U. S. 352; *Shreveport Rate Cases*, 234 U. S. 342; *Board of Trustees of the University of Illinois v. United States*, 289 U. S. 48.) The only conclusion to be drawn is that results become lawful when they are incidents of those powers but unlawful when incident to the similarly granted power to tax and spend.

Such a limitation is contradictory and destructive of the power to appropriate for the public welfare, and is incapable of practical application. The spending power of Congress is in addition to the legislative power and not subordinate to it. This independent grant of the power of the purse, and its very nature, involving in its exercise the duty to insure expenditure within the granted power, presuppose freedom of selection among diverse ends and aims, and the capacity to impose such conditions as will render the choice effective. It is a contradiction in terms to say that there is power to spend for the national welfare,

while rejecting any power to impose conditions reasonably adapted to the attainment of the end which alone would justify the expenditure.

The limitation now sanctioned must lead to absurd consequences. The Government may give seeds to farmers, but may not condition the gift upon their being planted in places where they are most needed or even planted at all. The Government may give money to the unemployed, but may not ask that those who get it shall give labor in return, or even use it to support their families. It may give money to sufferers from earthquake, fire, tornado, pestilence, or flood, but may not impose conditions—health precautions designed to prevent the spread of disease, or induce the movement of population to safer or more sanitary areas. All that, because it is purchased regulation infringing State powers, must be left for the States, who are unable or unwilling to supply the necessary relief. The Government may spend its money for vocational rehabilitation (48 Stat. 389), but it may not, with the consent of all concerned, supervise the process which it undertakes to aid. It may spend its money for the suppression of the boll weevil, but may not compensate the farmers for suspending the growth of cotton in the infected areas. It may aid State reforestation and forest fire-prevention agencies (43 Stat. 653), but may not be permitted to supervise their conduct.

It may support rural schools (39 Stat. 929, 45 Stat. 1151, 48 Stat. 792), but may not condition its grant by the requirement that certain standards be maintained. It may appropriate moneys to be expended by the Reconstruction Finance Corporation "to aid in financing agriculture, commerce, and industry", and to facilitate "the exportation of agricultural and other products." Do all its activities collapse because, in order to effect the permissible purpose, in myriad ways the money is paid out upon terms and conditions which influence action of the recipients within the States, which Congress cannot command? The answer would seem plain. If the expenditure is for a national public purpose, that purpose will not be thwarted because payment is on condition which will advance that purpose. The action which Congress induces by payments of money to promote the general welfare, but which it does not command or coerce, is but an incident to a specifically granted power, but a permissible means to a legitimate end. If appropriation in aid of a program of curtailment of agricultural production is constitutional, and it is not denied that it is, payment to farmers on condition that they reduce their crop acreage is constitutional. It is not any the less so because the farmer at his own option promises to fulfill the condition.

That the governmental power of the purse is a great one is not now for the first time announced. Every student of the history of government and economics is aware of its magnitude and of its existence in every civilized government. Both were well understood by the framers of the Constitution when they sanctioned the grant of the spending power to the Federal Government, and both were recognized by Hamilton and Story, whose views of the spending power as standing on a parity with the other powers specifically granted, have hitherto been generally accepted.

The suggestion that it must now be curtailed by judicial fiat because it may be abused by unwise use hardly rises to the dignity of argument. So may judicial power be abused. "The power to tax is the power to destroy", but we do not, for that reason, doubt its existence or hold that its efficacy is to be restricted by its incidental or collateral effects upon the States. (See *Veazie Bank v. Fenno*, 8 Wall 533; *McCray v. United States*, 195 U. S. 27; compare *Magnano Co. v. Hamilton*, 292 U. S. 40.) The power to tax and spend is not without constitutional restraints. One restriction is that the purpose must be truly national. Another is that it may not be used to coerce action left to State control. Another is the conscience and patriotism of Congress and the Executive. "It must be remembered that legislators are the ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."—Justice Holmes, in *Missouri, Kansas & Texas R. R. Co. v. May* (194 U. S. 267, 270).

A tortured construction of the Constitution is not to be justified by recourse to extreme examples of reckless congressional spending which might occur if courts could not prevent expenditures which, even if they could be thought to effect any national purpose, would be possible only by action of a legislature lost to all sense of public responsibility. Such suppositions are addressed to the mind accustomed to believe that it is the business of courts to sit in judgment on the wisdom of legislative action. Courts are not the only agency of government that must be assumed to have capacity to govern. Congress and the courts both unhappily may falter or be mistaken in the performance of their constitutional duty. But interpretation of our great charter of government which proceeds on any assumption that the responsibility for the preservation of our institutions is the exclusive concern of any one of the three branches of government, or that it alone can save them from destruction is far more likely, in the long run, "to obliterate the constituent members" of "an indestructible union of indestructible States" than the frank recognition that language, even of a constitution, may mean what it says: That the power to tax and spend includes the power to relieve a Nation-wide economic maladjustment by conditional gifts of money.

Mr. Justice Brandeis and Mr. Justice Cardozo join in this opinion.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHAVEZ in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Finance.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Walter S. Cressman to be postmaster at Gwynedd Valley, Pa., in place of W. S. Cressman.

The PRESIDING OFFICER. The report will be placed on the calendar.

If there be no further reports of committees, the clerk will state the first business in order on the calendar.

UNITED STATES TARIFF COMMISSION

The legislative clerk read the nomination of Edward Dana Durand, of Minnesota, to be a member of the United States Tariff Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Dudley G. Dwyre, of Colorado, to be consul general.

Mr. ADAMS. Mr. President, I should like to have that nomination go over, because I find that neither of the Senators from Colorado knows the gentleman who has been nominated, and he seems to come from Colorado. We should like to make some inquiry concerning him.

The PRESIDING OFFICER. The nomination will be passed over.

POSTMASTER

The legislative clerk read the nomination of Bearge M. Hagopian to be postmaster at Madison, Maine.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. ROBINSON. I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Navy nominations will be confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk read the nomination of Col. Harold C. Reisinger to be paymaster in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 14, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 13 (legislative day of Jan. 16), 1936

ASSISTANT SECRETARY OF THE TREASURY

Wayne C. Taylor, of Illinois, to be Assistant Secretary of the Treasury, in place of Lawrence Wood Robert, Jr., resigned.

COLLECTOR OF INTERNAL REVENUE

William Driscoll, of Pittsburgh, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania, to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13 (legislative day of Jan. 16), 1936

UNITED STATES TARIFF COMMISSION

Edward Dana Durand to be a member of the United States Tariff Commission.

PROMOTIONS IN THE NAVY

TO BE CAPTAINS

Frank J. Wille
Elwin F. Cutts

TO BE COMMANDERS

Henry P. Burnett
Herbert V. Wiley

TO BE LIEUTENANT COMMANDERS

Chester L. Walton	Austin K. Doyle
Charles C. Hartman	William E. Miller
Charles M. Huntington	Charles D. Murphey
Carroll T. Bonney	Leslie C. Stevens
Richard H. Cruzen	

TO BE LIEUTENANTS

John J. Laffan	Phillip H. FitzGerald
John G. Blanche, Jr.	John G. Hughes, Jr.
Harry L. Ferguson, Jr.	John G. Johns
John J. Hourihan	Gelzer L. Sims
Charles M. Ryan	Graham C. Gill
Edward A. McFall	Thomas J. Hickey
Frederick P. Williams	Clyde M. Jensen

TO BE MEDICAL DIRECTOR

Gordon D. Hale

TO BE CHIEF GUNNER

Harlow Hines

TO BE CHIEF MACHINISTS

Guy B. Ray	William A. Smith
Homer K. Davidson	James J. Marron
Glenn Gardner	Horace M. Chance
James W. Dyckman	

TO BE PAY DIRECTOR

David Potter

MARINE CORPS

Col. Harold C. Reisinger to be the Paymaster of the Marine Corps.

POSTMASTER

MAINE

Bearge M. Hagopian, Madison.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 13, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee and worthily magnify Thy holy name. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

PAYMENT OF INTEREST ON LOANS TO VETERANS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in the RECORD, at page 627, I inserted a statement on why the veterans are not paid interest on loans since 1931.

In this statement in regard to the \$60 that was paid to each veteran on discharge I said that the high-salaried officers during the war received the \$60 and were not required to pay it back. I failed to state, which I should have, that the enlisted man who served only 1 day was given \$60. Every person who was honorably discharged from the Army was paid the \$60 whether his service was 1 day or more. The high-ranking officers were not required to pay their \$60 back and the men who served 1 day were not required to pay their \$60 back, and therefore it was not right to deduct the \$60 from the adjusted-service certificates. This correction has been made in the recent law that was passed.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent that on Monday next, following the reading of the Journal and disposition of matters on the Speaker's desk, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EFFECTIVE INSURANCE—OUR NATIONAL DEFENSE

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNYDER of Pennsylvania. Mr. Speaker, our worthy and distinguished chairman of the Subcommittee on War Appropriations [Mr. PARKS], and our able and congenial ranking chairman [Mr. BOLTON], and other members of the subcommittee have gone into the details of this bill in such a way that it would be largely repetition for me to enlarge on any of the several items embodied in the bill. I, therefore, invite your attention to what we might call the conservation side or the economy side of the appropriations embodied in this bill, and a somewhat detailed statement of the Army's air equipment.

Mr. Speaker, the appropriation bill now under consideration is to provide funds for a national defense. In other words, the appropriation is for an adequate police force to protect the United States against any foreign foe that might try to disturb our peace along our coasts, on our mainland, or on our possessions.

Your committee has spent much time in going into the details of our national defense during the last 5 months. In order that your committee might have first-hand knowledge of just what the Nation's defense equipment is at present, five members of the committee traveled thousands of miles purposely to inspect the Nation's defense equipment in Panama, Honolulu, the western coast, the Mexican border, and portions of the interior of the mainland. After seeing what we have on hand and checking up with the Bureau of the Budget and the General Staff, as well as the corps area commanders and the heads of the various departments, we are convinced that the estimates for the various items set forth in this bill are justifiable.

In one respect I am sure that I voice the sentiment of every member of the committee. That is, every member of this Committee on War Appropriations is bitterly opposed to this Nation appropriating money to prepare for war. We are opposed to war. Your committee considers this appropriation, and rightly so, as an appropriation to preserve peace.

This is a very small appropriation for national defense as compared with the appropriations in other major countries of the world. Your committee further thinks that an adequate national defense is the cheapest insurance that a nation can carry. You will observe that the military item in this bill is less than the nonmilitary item is. It is the military item that most people are interested in. Naturally, we have a small group of people in the United States who are opposed to spending any money for national defense. They are usually classified as pacifists,

It was my pleasure sometime ago to talk to a very splendid group of men who classified themselves as pacifists. I asked this group if they had an adequate fire department and an adequate police force in their city. Of course they said they had. I then asked them if they would vote to do away with their police force and their fire department of their city. Of course, they said they would not. They said that they would not feel safe to go to bed at night if they would do away with their police force and their fire equipment.

I then asked them if they were in favor of the State militia, the State police force, and the State motor patrol. All but one said that they were in favor of it. This one said he was in favor of the State police force and the State motor patrol, but he was not in favor of the State militia. I then pointed out to him one occasion where the State militia was called out to prevent bloodshed in the community in which he lived, and after he thought of that for a minute he said, "Well, I suppose it is all right to have a State militia."

I then said to this group: "If you are in favor of having this protection for your own city, if you are in favor of having a similar protection for your own State, why, of course, you are in favor of having a well-equipped police force and a well-equipped fire department to protect your Nation, the United States of America." I explained that all that the war appropriations covered was enough money to equip the United States with sufficient coast equipment, airplane equipment, and so forth, so that in case of emergency we could say to any foreign foe, "Keep away from our shores." At the conclusion of our chat they were all in favor of national defense such as we have in mind in asking for this appropriation.

In other words, Mr. Speaker, it is the desire of this committee and, I think, all of the Members of Congress, to go along with the Nation's splendid traditions of the past. That is, we are not going to prepare for war. We have no grudge against any nation. As a nation, we are not greedy. We want no other possessions. We just want to be left alone.

I know all of the arguments that are put up by the various groups against building forts and guns and airplanes and battleships and the like. I have heard them for a quarter of a century. They would all be good arguments if we were dealing with material things instead of human beings. But, as long as we have powerful nations that do not regard treaties, as long as we have governments that are greedy for power and possessions, just so long we as a nation must have adequate national defense.

History shows us that nations that prepare to go to war always lose in the end. There is not a single instance in history where a nation was motivated by the idea of conquest and plunder where in the end they did not lose. In other words, it is with nations as it is with individuals. If nations try to climb up at the expense of their weaker brothers they always fall, and the higher they climb the harder they fall. Take Spain as a recent example.

Mr. Speaker, in my opinion, we should have a more adequate air force.

Mr. Speaker, the report of the Committee on Appropriations carries for the Army Air Corps a substantial increase over the current year appropriations, and therefore represents a recognition on the part of that committee not alone of the existing economic conditions which reflect a higher cost for new types of aircraft but also reflects a continuing appreciation on the part of that committee of the need for increase and growth of the Air Corps. As a member of that committee, I, of course, concur in its report and recommendations to this House under the existing conditions. The committee has considered itself bound to respect the budgetary limitations of the President.

However, I am personally of the opinion that the Congress should take under serious advisement the question of whether or not we should again at this time establish a new aircraft-procurement program for the Army. The recommendations of the so-called Baker Board and of the President's Aviation Commission, together with those of the military authorities, including Gen. Douglas MacArthur, former Chief of Staff, and the present Chief of Staff, Gen. Malin Craig, indicate that the

objectives set forth for the Army Air Corps in the act of Congress passed July 2, 1926, the so-called Army Air Corps 5-year program, have not yet been attained, nor are they likely to be attained until new programs are established and additional funds appropriated.

The development of aviation is so great that the designs of aircraft of the year 1926 are today hopelessly obsolete in comparison with the modern designs of combat, service, and training aircraft. The period of 10 years since the enactment of that legislation in 1926 represents almost one-third of the entire life of heavier-than-air aviation. When considered in this light, I am sure that my colleagues will realize that piecemeal provision for increasing the Air Corps not alone to the original objective of 1,800 serviceable airplanes but up to the ultimate of 2,320 airplanes recommended by the War Department will never keep step with the progress of aviation, and that we must be farseeing enough and provide legislation of such broad and flexible scope that the military authorities can really accomplish something.

Report of the Appropriations Committee indicates a belief that the objective of 1,800 serviceable airplanes for the Regular Army and the National Guard has already been attained. Perhaps this is true when we deal with a matter of figures only. However, the testimony of technical men who are the advisers of the War Department and Congress clearly indicate that such a conclusion is erroneous and misleading and that the effectiveness of our military combat aviation, the so-called General Headquarters Air Force, cannot be attained through the use of a conglomeration of aircraft of widely varying degrees of obsolescence.

The effectiveness of our fighting air forces can be attained, in my opinion, only when provision is made for homogeneous equipment, or at any rate for equipment of comparable and effective power, range, and speed. The General Headquarters Air Force is for the Army its first line of defense. You and I well know that it may also be considered the Nation's first line of defense. It must be ready for effective employment in combat immediately upon the outbreak of war. Its training in peacetime is such as to insure its concentration on any of our continental frontiers within 24 hours of the issuance of the order for the creation of the emergency requiring such concentration. To accomplish this concentration with reduced strength, with inferior and obsolete equipment, with insufficient armament, with lack of supplies for maintenance and operations, will constitute a military weakness rather than a factor of strength for defense. No defensive weapon which lacks offensive power can be effective against the offensive weapons of an enemy threatening our frontiers.

My colleagues, I submit to you my personal belief that the time has come when we must provide specifically for broad legislation and adequate appropriations not alone to bring the Air Corps up to its scheduled strength in personnel and airplanes but also up to the strength and efficiency desired by the War Department for this arm of the service, and in addition to provide for a program for sustained replacement and maintenance of aircraft. It is my firm conviction that under existing circumstances the sum of money recommended for appropriation for the Army Air Corps in the report of the Committee on Appropriations is the absolute minimum which should be provided for that purpose and in the interests of national defense. The amount appropriated should really be almost doubled for this year in order to remedy past deficiencies and to keep pace with the remarkable developments in military aviation throughout the world.

This view is supported by the Secretary of War, who in his last annual report states that we should procure 800 airplanes each year for a period of 5 years, whereas our appropriation provides only for a maximum of 565 new airplanes. The reason for this number—565—is that your committee is hewing close to the Budget line.

If I had my way, I would build one battleship less next year and thus be able to build with this money 300 more airplanes of the different types that dovetail into an effective air force. I would make or build air bases at Fairbanks, Alaska; San Francisco, Calif.; Los Angeles, Calif.; San Diego, Calif.; Panama Canal Zone; Hawaii; Fort Bliss,

Tex.; and San Antonio, Tex., and thus be able to ward off our enemies on the West and South in case of emergency.

The best estimates available show that other nations have available airplanes in numbers approximately as follows:

Great Britain.....	2,978
Russia.....	2,700
Italy.....	3,018
Germany.....	1,450
Japan.....	1,980
France.....	3,067
United States.....	1,420

Mr. Speaker, furthermore, in the next span of years the United States will build three or four 40- to 60-foot highways across the Nation, from east to west, and some six or eight from north to south, and we will have big air-line service companies operating along or over the same routes, and at the cross roads of these lines running north and south and east and west we will have large airports. In peacetime these lanes and roads and fields will be used for commercial purposes, and in case of an emergency they could and would be used for our national defense. This will be economy as well as efficiency.

WHAT REAL AMERICANISM MEANS TO ME

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed in the RECORD a radio speech delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address, delivered over N. B. C. on February 12, 1936, at Washington, D. C., and sponsored by the United States Junior Chamber of Commerce:

The United States Junior Chamber of Commerce, to open their first national Americanism week, have invited me to speak on What Real Americanism Means to Me.

I know of no subject which is so timely nor upon which I would rather speak.

It is well that all Americans hold an inventory at least once a year and check up on just what America does mean to them individually.

The Junior Chamber of Commerce is to be congratulated upon its initiative and energy in undertaking this most worthy project. It is bound to become a great national annual institution. The happy selection of the week from Lincoln's birthday to Washington's birthday is most appropriate. These two great outstanding Americans typify the best that there is in America, and the two taken together are America.

The fine democratic combination, on the one hand, of a man reared in luxury, with an excellent education, an aristocrat, who nevertheless loved his fellow men, high and low, and who became their hero, and, on the other hand, a man of humble origin, desperately poor, with practically no schooling, who yet rose to leadership to champion the cause of freedom, liberty, and real justice, is certainly an inspiration to every American. Their lives and works continue to live as a symbol of America and an inspiration to every one of us. Even with such opposite backgrounds, they both became Presidents of the United States.

There is no snobbery here, no class discrimination, no mob ruthlessness. Just the simple principle that all, high and low, rich and poor alike are worthy of fair treatment and equal opportunity for service to the Republic. The young business and professional men who make up the 300 local junior chambers of commerce throughout the United States are conscious of both the great privileges and the solemn obligations of American citizenship.

I know the splendid attitude of these younger Americans. I have the privilege of being an honorary life member of this association at St. Paul, where as an active member I helped organize the local chamber several years ago.

The members, numbering over 75,000 throughout the country, appreciate what Americanism means, and they are devoted enough to its ideals to wish to preserve our American institutions. Since communism and fascism are equally repugnant to Americans, these young men are determined to preserve America and American ideals by American methods. There is none of the blatant supernationalism of the European variety in the patriotism of this campaign. Here we have no movements to force by violence and intimidation an allegiance to the flag. Their plan is not to compel lip service by the use of organized fear or inordinate display of the power of the state. No, we are to be treated to no European brand of youth movement by these American young men. They plan in a strictly American manner to teach reverence of America and things American by a huge educational campaign.

They have enlisted the aid of the newspapers and news-gathering associations throughout the country; the motion-picture industry; the radio; the clergy; fraternal organizations, such as the Elks; patriotic and veterans groups; the schools; service clubs; and pub-

lie officials. Their method is to mobilize prominent citizens in a speaking campaign and to sponsor essay contests on the benefits of Americanism. This shows the wisdom of the younger generation, as well as its unquestioned patriotism.

All we Americans need do is to pause and review our benefits and then compare our lot to that of those throughout the rest of the world. The attitude of the young business and professional men in initiating this campaign, which is strictly nonpolitical and nonsectarian, is expressed in the Junior Chamber's call for national observance of Americanism week. A paragraph from this call is noteworthy. I quote it:

"Our program is not partisan and not negative. It will be a positive, educational exposition of the merits of Americanism.

"It will express the profound conviction throughout that America and our American institutions have proven down through the years that, while not perfect, they represent the best system of government which has yet been conceived by the mind of man, and, as such, are entitled to the loyal support of our citizens to the end that they may be maintained in principle forever."

Here is the voice of young America speaking. It seeks to express in a positive manner its gratitude for the opportunities and benefits America has made possible for the youth of this country. These young people conceive truly that no better way of demonstrating their appreciation can be shown than by fostering a love of America and perpetuating American institutions for those countless generations yet to come. This is the spirit of America—a loyalty bred of appreciation and genuine love of America. There is no idle loyalty founded on meaningless platitudes.

I think I can express the general views of these young Americans who are sponsoring this practical patriotism by expressing what real Americanism means to me.

When I say I love the United States, it is not an empty, banal phrase. Let me explain why I love the United States. It is because its ideals and objectives and the character of American people are an inspiration to everyone.

I love America because its people are peace loving, willing to go to almost any length to maintain peace. We are not a militaristic, warlike nation.

Every war we have fought has been for the benefit of oppressed peoples, either our own or others. We may have been duped at times, but the motive behind the American people themselves each time was a genuine, sincere desire to help the helpless. Crafty leaders may have taken advantage of our generous, sympathetic, even though credulous, natures to effect their own benefit, but the heart of America beat soundly each time for humanitarian causes. The best proof of this is the fact that we have refused to profit by our part in foreign wars.

Were we avaricious and imperial, we could now control over half the world. I love America because we as a nation have adhered, often with great sacrifice, to our ideals.

One of the greatest evidences of our sincerity and generosity is the fact that there are so many free and independent republics to the south of us, and a self-governing dominion to the north of us. Neither Canada nor Mexico has a single fort on their United States boundaries to protect them from us. Is not this the best proof that we are good neighbors and a peaceful people?

The United States captured Mexico City, but not for conquest, or we should today be ruling Mexico. We freed the Philippines, but not so that we could extend our dominion. We generously spent millions of dollars, without profit to ourselves, to educate the Filipinos for self-government and then gave them their sovereignty. No other people on the face of the earth have ever done such a thing. The ideals of 1776 have not been forgotten by the American people. I love America because this is so.

We intend to maintain American neutrality, not so that we may profit by wars of others, for we are sacrificing our chance for war profits, but because we sincerely desire peace.

To me real American neutrality will be such as will not entangle us in foreign wars. If we remain independent, we can exert far greater influence for the general welfare throughout the world than as a partisan.

To make our influence effective we must be prepared to maintain our independence. The United States must be realistic about this.

To insure our peace we must be strong enough to defend that peace. Real Americanism means a friendly attitude toward the rest of the world, aloofness from their quarrels, minding our own business through a genuine neutrality, and a sufficient national defense on land and sea to enforce that neutrality. I love America because we maintain only such Military and Naval Establishments as are designed to defend us and which are not even capable of wars of conquest. America wants to be let alone, and intends to see that its right to be let alone shall be respected.

I love America because of the equality of all of its citizens in the eyes of the law. In addition every citizen has the right and the opportunity to both make and administer the laws of the country. The courts that protect our rights are presided over by men and women who have been selected from among the rank and file of the people.

I love America because it is founded upon the fundamental principles that recognize the rights of the people to do their own governing. Our public officials in the United States are not rulers but public servants, and responsible to the people for their conduct in office.

I love America because it has a government of law and not individuals. As an illustration, our Army and Navy take oaths of allegiance not to individual commanders, not even to the President but only to the Constitution of the United States. These

are not armies belonging to rulers but are armies of and for the Republic itself.

I love America because we have a Constitution born of great men in a trying time of external stress, a Constitution that has stood the test of time, the strain of adversity, the pressure of conflict. The American Constitution, while rock-bound in its protection of the people's rights, is nevertheless a living, breathing charter of human liberty. Such protection as is given to property is only for the safeguarding of the individual's right to use his property in order to insure his happiness and his very right to live. Human rights and consideration are supreme in our Constitution. The weak are protected against the strong, the minorities against ruthless majorities. I am grateful that our Constitution can be changed to meet any fundamental or permanent changes in our social or economic life, but that it cannot be nullified by temporary majorities to defeat the purposes of our founders nor to aid the politics nor whims of the passing domination of any individual or group. The Constitution of the United States is for all the people all of the time. It is the one safeguard against the gaining control of our country by groups imbued with European philosophies. It is insurance against anarchy, communism, or dictatorship.

It will be, as it has been in the past, assailed from time to time by those who find it stands in the way of their personal or political ambitions, but each tide will subside and find the Constitution even more firmly imbedded in the hearts of Americans.

I love the American Constitution because it is not a set of rules, but is a code of basic principles of human relationship. If these principles were correct once they are now and always will be. There is no element of time involved in real principles. They either are, always have been, and always will be correct, or they are and always have been false principles. Time and history have demonstrated the correctness of the foundation principles that make up our Constitution. Their essence is a constant effort to provide a better place for people to live and a better relationship for those people.

I love America because of the opportunity it affords for popular education. It equips its citizens to more fully enjoy a better living now and to plan for an even happier one for each succeeding generation.

We enjoy the fullest measure of individual freedom from State restraint. We may freely choose our schools, our church, our vocation in life, our place to live. We have no universal, compulsory military service in time of peace. There are enough patriotic citizens to voluntarily fill the ranks of our uniformed defense forces.

I love America because we are a people of homes. Americans are the greatest home-owning people on earth.

I love America because Americans are a generous, tolerant, good-natured, and kindly people. Their charity is unequaled; their sense of fair play is of world renown.

I love America because, while we love peace and are determined to avoid wars, we can and will defend ourselves against invaders.

I love America because, regardless of conditions, none go hungry, none go cold. In spite of black depressions, in spite of temporary maladjustments, we do not, as a people, become discouraged.

I love America, last but not least, because we have pioneer blood in our veins, because we inherit a tradition of courage, determination, and self-reliance. The American ideal is satisfaction in life through service to others, and the American objective is to make a better place in which to live and to leave a heritage of a larger and fuller opportunity for those who are to follow. That is what real Americanism means to me.

JUDICIAL REVIEW OF ACTS OF CONGRESS

Mr. EICHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a two-page letter from a leading lawyer of my district on judicial review of acts of Congress.

Mr. RICH. Mr. Speaker, reserving the right to object, it has been customary to confine such extensions in the RECORD to the doings of Congress and matters coming from ex-Members or from certain State or Government officials, and I question whether we ought to permit all letters to go into the RECORD that are requested. I do not want to object, but I think it is a wrong practice and I do not believe the Members of the House should make such requests unless they are absolutely necessary.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. EICHER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter from a leading lawyer of my district:

MORRISON & MORRISON,
Washington, Iowa, February 5, 1936.

HON. E. C. EICHER, M. C.,

Washington, D. C.

DEAR MR. EICHER: I am again, through your kindness, receiving the CONGRESSIONAL RECORD. That I appreciate it and find in it food for reflection, this letter will disclose.

I was quite interested in the President's message to Congress and particularly in his suggestion that Congress has within its

own hands the power to see to it the acts which it passes are not nullified.

I dug back into the RECORD of August 20, 1935, and the speech of Representative LEWIS of Maryland, beginning on page 13908, which is the best discussion of the history of and brief of cases where Supreme Court has held acts of Congress unconstitutional that I have seen, and also suggests a method of control of this Congress itself. I also note speeches¹ by Senator BANKHEAD and the remarks of Senator FLETCHER at page 205. I have also noted Representative RAMSAY's speech at page 850, CROSS' speech, 1095, and HILL's speech, page 1171. Also RAMSAY's bill H. R. 8054, described at 854.

It has occurred to me that his bill could be profitably amended in two particulars:

1. By provision for a statute of limitations for attack on constitutionality of an act by very sharply limiting time for such attacks.

2. By provision requiring the Supreme Court to give attacks on the constitutionality of a statute certified to it priority in hearing over all other litigation.

Such amendments would head off the present intolerable condition regarding processing taxes.

You have both heard and read, no doubt with some irritation, the often repeated charge that the Seventy-third and Seventy-fourth Congresses were mere "rubber stamps."

It has occurred to me every time I heard or read this jeer that there is much less justification for it on the grounds claimed than there is for jeering every Congress since the day of *Marbury v. Madison*. That Congress, vested (by a Constitution which stated as one of its six grounds to "promote the general welfare"), by article I and section 1, with "all legislative powers", and later by article III, section 1, with power to "ordain and establish inferior courts", should permit a judge of a district court or two of three judges of a circuit court of appeals, both of which courts the Congress had created, blandly to decide a legislative act of that Congress to be unconstitutional, is about the finest example imaginable of not only being a "rubber stamp" but furnishing the stamp itself. That the members of the Constitutional Convention ever dreamed that the Congress it created would have such conception of its own dignity as to permit such a practice from time to time through more than a century is absolutely unthinkable. That Congress, after Congress has done so, has, in my opinion, done more to weaken the respect of the people for Congress than any other one thing of which I have any knowledge.

One is respected by others very much as he respects himself. You have many times observed how little respect his neighbors and acquaintances have for the man who does not require respect from his wife, his children, or his servants.

I for one would be glad to see the Congress assume a dignity compatible with that clearly intended by the framers of the Constitution from the very nature of the powers granted.

Another slant on the view of the makers of the Constitution with reference to the powers of the courts: Is it reasonable to think that the practical men who made the Constitution and who so carefully provided that neither Congress nor a court could take from a citizen the right to be tried by a jury, whose verdict must be unanimous, on the veriest misdemeanor, merely mal prohibitum without taint of moral turpitude, and punishable at most by a small fine, intended to grant by the same instrument power to any court either directly or indirectly to nullify an act of the Congress in which it had vested "all legislative powers", by a mere preponderance in votes of the judges of that court, in the decision of a suit between two private litigants and regardless of the number of citizens or the value of their property affected by the nullification?

Such conception of the sound, practical, common sense of the framers of the Constitution as an aggregation of mere "gnat strainers" and "camel swallows" is not justified by any side lights on their lives or any of their writings handed down to us by history.

You had some stormy weather driving East but I hope you did not suffer any ill consequences from exposure. We have had the coldest winter in years and more in prospect.

With best wishes, I beg to remain

Sincerely yours,

EDMUND D. MORRISON.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech made by the president of the Press Club at the inauguration of officers last week, and also certain headlines and short stories which were gotten out at the Press Club at that time.

Mr. RICH. Mr. Speaker, we are going from bad to worse. [Laughter.] I do not think we should grant all these requests for everything to go into the RECORD. I do not believe it is right and I do not think the Members ought to ask it. I do not think the Members should make such requests for the Press Club or any other club.

Mr. MAVERICK. Mr. Speaker, I would like to explain that this man is from Texas. He is the president of the Press

Club and a distinguished citizen. We ought to let the newspapermen get something in the RECORD once in a while. They hardly ever get anything on us—it is always from us.

Mr. RICH. Will the gentleman tell us where Texas is?

Mr. MAVERICK. I will withdraw the request if the gentleman wants me to.

Mr. RICH. I do not think the gentleman ought to make the request.

Mr. CARTER. Reserving the right to object, Mr. Speaker, would the gentleman mind again stating what it is he desires to put in the RECORD?

Mr. MAVERICK. It is a speech by Mr. Stimpson. They also got out a special edition of the Washington Post. It looks like the Washington Post. There are some interesting headlines in it and I do not think it would burden the RECORD.

Mr. RICH. Is it a newspaper?

Mr. MAVERICK. Yes.

Mr. RICH. Then I object, Mr. Speaker.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11035, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

Continuing the reading of the bill, the Clerk read as follows:

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including \$5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$87,000, to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes (U. S. C., title 31, sec. 529), shall not apply to payments made from appropriations contained in this act in compliance with the laws of foreign countries or their ministerial regulations under which the military attachés are required to operate.

Mr. BLANTON. Mr. Chairman, I offer the following amendment. On page 7, line 11, I move to strike out the words "General Staff Corps." This is pro forma to give me the floor to discuss a matter of importance.

Mr. Chairman, before our committee that framed this bill met I wrote a letter to the Secretary of War and called attention to the usual restrictions of the General Staff, which are generally placed around the Army officers appearing before hearings, which prevents them from giving their real judgment to Members of Congress in the hearings.

I called attention to the fact that our committee had asked some high-ranking major generals of the United States Army to appear before us so that the committee and Congress could have the benefit of their own personal views on matters of national defense.

I mentioned to the Secretary of War that Gen. Hugh A. Drum, in charge of Hawaii, would be here under the direction of the War Department; that Gen. Paul B. Malone, of the Presidio, Calif., commanding the Ninth Corps Area, would be here under the direction of the War Department; that Gen. Lytle Brown, in command at Panama, and that Gen. Johnson Hagood, commander of the Eighth Corps Area, would also be here under the direction of the War Department; also other prominent officers—some of the greatest major generals in the United States, senior officers, who ought to be allowed to state what they really think about matters, and I asked him whether they would be under the usual restrictions or whether they would be allowed to

¹ 74th Cong., 2d sess.

frankly answer questions propounded by members of the committee and give their own honest convictions.

The Secretary of War referred my letter to the Chief of Staff, Gen. Malin Craig, who wrote the reply, stating to me that he was instructing all of these high-ranking major generals appearing before our committee to frankly and freely give their own personal opinions and convictions in answering all questions propounded to them by members of the committee about all Army and other matters in their corps areas and national defense, and that they would be relieved from any restrictions and be allowed to give their own personal opinions.

When these great major generals appeared before our committee and were questioned by us they gave their honest views.

Now, there is some criticism appearing in the newspapers concerning opinions expressed by General Hagood, who gave the committee his honest views in answer to our questions. I want to say that there is no one in Congress or in the War Department or anywhere else who can reflect on the standing and integrity of Johnson Hagood. He is my personal friend, and I will defend him against any and all assaults. There is no finer character in the United States.

The time has come when Democrats should present in a constructive way to our President and his administration their views about the inexcusable waste and extravagance of certain officials, and I want to say that General Hagood did not express a single view that is not my own view as a representative of the people of this country in this Congress. [Applause.] I want to say that I entertain 100 percent the same views that Gen. Johnson Hagood expressed before our committee. And I happen to know that Gen. Johnson Hagood entertains for our great President the highest regard and respect and is an enthusiastic advocate of his administration.

There is a whole lot going on for which our great President is being held responsible that is caused by officials who are not loyal to him that the President should know about.

To run this big Government, the President has to depend upon a large number of administrative officials, most of whom are honest, efficient, worthy, and deserving, and are above criticism; but as you will find in every large class, there are some who are black sheep and have been guilty of waste and extravagance and bad judgment and disloyalty, and it is the duty of us Democrats to tell the President about it and bring these matters to his attention so that he may correct same.

Mr. FADDIS. Mr. Chairman, will the gentleman yield? He has been told many times by Members of Congress who know these conditions as well as General Hagood.

Mr. BLANTON. Oh, our great President has many burdens upon his shoulders that the ordinary citizen never thinks about. He is weighted down with them. He deserves our sympathetic help and cooperation. How he accomplishes as much as he does is a wonder to me. I am backing him with all there is in me, and I know that he wants me to criticize anything that is going on wrong. I invite honest criticisms of any act that I do, and as a Democrat I invite honest criticism from Democrats of acts of our Democratic administration, to which I belong. It behooves us Democrats to clean our own house. An administration that does not appreciate honest criticism is not going to do its very best or last long. While I will not allow you Republicans to criticize our Democratic administration, I have the right to do it.

Here is a letter that I received from one of the big businessmen of my State, a man whom I know well, who once lived in my home town, now in charge of a big office at Dallas, Tex., dated February 5, 1936, which mentions a loan of \$400,000 he made to a cattleman in my district, and he details specific instances of foolish waste and extravagance that has been carried on by certain Federal officials in Texas, who would not have been guilty of it if they had been faithful to their President and his administration.

I am bringing it to the attention of the President, for he should know about it. And in every case where it has been brought to my attention that Federal officials have been

guilty of wastefully and extravagantly spending public money out of our Treasury I have promptly brought same to the attention of the President, for I know that he will always take prompt steps to stop it.

When I learned that much money was being spent in Washington, employing men to go around Washington and shake rocks in tin cans to scare starlings out of one tree into another, and to let up balloons to scare starlings from the eaves of one building to the eaves of another, I promptly denounced it to the President, and I was gratified to know that he stopped it.

It is the duty of every loyal Democrat to promptly bring to the attention of the President every instance of foolish waste and extravagance. If we do not do it, we Democrats will not deserve to be retained in office.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent for 5 minutes more, and that is all I want.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I am with my President in all of his proper plans and policies to bring about better conditions in this country. I am with him in every proper undertaking that he makes for the people. He is not responsible for this waste of money by these hirelings. We have too many of them scattered over the country. Many are wasting the people's money. I feel it is my duty to bring it to the attention of the President. It must be stopped. We Democrats do not want this money wasted.

It is somebody taking advantage of the Government and of the administration who is wasting this money, for which waste every one of us is held responsible, and for which we are all criticized, and I am getting tired of it. I am going to do my duty to stop it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last three words, or at least one word more than the gentleman from Texas struck out.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. McSWAIN. Mr. Chairman, I merely want to state that General Hagood comes from South Carolina, from a most distinguished family.

His father was a distinguished Confederate soldier. His father's brother was a brigadier general in the Confederate Army. His uncle was later Governor, a distinguished and able Governor, of the State of South Carolina. A brother of General Hagood was for a part of my college course my classmate in college. I have an ardent personal affection for him, as for the entire family. I have complete confidence in him as a patriotic American.

He is a distinguished soldier and officer. He has constructive, original ideas. He appeared before our committee 3 or 4 years ago and contributed a most valuable statement and some most magnificent arguments in favor of certain changes and reforms in the Military Establishment, especially with reference to the training of raw recruits. He is a man of progressive ideas, a man of originality, a man of honesty and courage. He was chief of staff of the Service of Supplies in France under General Harbord. [Applause.]

Mr. Chairman, I ask unanimous consent that a telegram I have just received from General Hagood be printed in the RECORD with my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The telegram referred to is as follows:

PORT SAM HOUSTON, TEX.,
February 13, 1936.

HON. JOHN J. McSWAIN,

House of Representatives, Washington, D. C.:

Returned to San Antonio tonight, and have just seen newspaper accounts of my hearing before House Appropriations Committee. I am deeply shocked at being accused of criticizing the President. No criticism could have been intended, as I am personally a staunch advocate of the administration and know full well that the Presi-

dent has done more toward proper housing of the Army than has ever been done before. My testimony was taken in executive session, and all of it was not printed. The whole thing taken together was very plainly a discussion of my own estimates submitted by the War Department to the Works Progress Administration itself. I greatly appreciate your action in standing up for me and request that you talk to Congressman BLANTON, at whose suggestion I was called.

JOHNSON HAGOOD.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the words "purchase of law books, books of reference, and so forth."

Mr. Chairman, it is my purpose at this time to point out to the membership some of the statements contained in some of the military manuals issued by the War Department.

From 1928 to 1932 in Army Training Manual No. 2000-25 there appears the following official War Department definition of democracy:

Democracy: A government of the masses. Authority derived through mass meeting or any other form of direct expression. Results in mobocracy. Attitude toward property is communistic—negating property rights. Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard for consequences. Results in demagogism, license, agitation, discontent, anarchy.

This is the definition of democracy which the War Department taught to thousands of American soldiers. If there was ever anything more subversive than this definition of democracy ever issued in any publication, I would like to know it. There is very little difference between this definition and that given to democracy by the Nazis. However, I want to state, in all fairness, that this publication was withdrawn after it had been used for 4 years, 1928-32.

I now come to a contemporary manual, and it deals with domestic disturbances. It is entitled "Basic Field Manual, Volume VII; Military Law, Part Three; Domestic Disturbances." This is what it advocates—

Mr. PARKS. Is that a War Department document?

Mr. MARCANTONIO. It is; yes, sir. It is printed by the United States Government Printing Office; and on the second page it says:

War Department, Washington, August 1, 1935. Part 3, Domestic Disturbances, Basic Field Manual, Volume VII, Military Law, is published for the information and guidance of all concerned [A. G. 062-11 (1-29-35)]. By order of the Secretary of War. Douglas MacArthur, General, Chief of Staff. Official. E. T. Conley, Brigadier General, Acting The Adjutant General.

Mr. PARKS. It is not a document for public distribution, is it? It is a secret document that deals with the secrets of the United States.

Mr. MARCANTONIO. It is not secret. It is the Basic Field Manual. I do not consider that a secret. It is distributed among officers and soldiers for their guidance. Let me say right here that United States Army manuals are used by the National Guard, so that while the United States Army is infrequently used in strikes the National Guard is too frequently used; and this manual, like all other United States military manuals being used by the National Guard, acts as "information and guidance of all concerned" meaning the National Guard. Let us also bear in mind that the National Guard has been Federalized by payment for drills attended and other huge national appropriations from the United States Treasury.

Let us see what this manual teaches as to tactics; on page 18 of this manual I read:

When rifle fire is resorted to the aim should be low so as to prevent shots going over the heads of the mob and injuring innocent persons that could not get away.

Then paragraph (e), on the same page, says:

Blank cartridges should never be used against a mob, nor should a volley be fired over the heads of the mob even if there is little danger of hurting persons in rear.

On the same page I read from paragraph f:

Bayonets are effective when used against rioters who are able to retreat, but they should not be used against men who are prevented by those behind from retreating even if they wished to do so.

On page 26 I read from paragraph (6):

The attitude of the public press must be learned and conferences arranged with newspapermen. They will be a source of much information.

On page 28 I read from paragraph 65:

Airplanes: Airplanes flying low may be of value in discovering fires and in watching for assemblages of rioters. The moral effect of the airplane will be very valuable. Airplanes equipped with machine guns may be used against rioters on roofs of buildings or in large open spaces. They may be used for bombing in certain cases. Airplanes will be especially valuable to the commander who must enter a city against opposition.

Chapter 3 gives lessons in the use of chemical warfare against civilians, and then in this chapter we find diagrams and pictures of chemical hand grenades, rifle grenades, of the irritant candle, and information as to the use of these objects against civilians.

On pages 13 and 14 I read the following:

EQUIPMENT FOR DUTY IN DOMESTIC DISTURBANCES

24. Equipment in general: The equipment required by Federal troops for duty in connection with the suppression of domestic disturbances will not differ materially from that required for ordinary occasions of field service. The character of the service expected, the season of the year, and other conditions will indicate the modifications that should be made.

25. Aviation: Airplanes may be used for the purposes of reconnaissance, dropping proclamations, orders, or messages over positions or portions of a city occupied by rioters, and for photographing the area to be operated over in order to enable the troops to familiarize themselves with the principal landmarks and barricades of the route to be passed over. During the attack airplanes may be used for the purpose of keeping rioters off roofs by means of machine-gun fire and, in conjunction with other arms, by dropping tear-gas and high-explosive bombs.

26. Ammunition: A part of the small-arms ammunition taken along should be of the reduced-charge or reduced-range variety, such as riot cartridges. The kind of service expected will dictate the quantity and character of ammunition that will be required.

27. Armored cars: Armored motor cars will be especially valuable in riot duty.

28. Artillery: The manner of using coast artillery in riot duty would depend upon the equipment, any special training, and availability of a particular organization. Light artillery might advantageously form a part of any command employed in the suppression of a riot.

29. Cavalry: Because of its mobility and the undoubted moral effect of an armed man on horseback, cavalry will always be a valuable and effective adjunct to any command employed in riot duty.

30. Hand grenades: Hand grenades, especially those filled with chemicals, will be quite an essential part of the equipment. Experience in the use of tear gas in hand grenades by the National Guard and civil police has demonstrated its practicability and efficacy in handling mobs without loss of life (see ch. 3).

31. Infantry: Infantry should and will invariably constitute the major part of any command employed in suppressing a domestic disturbance.

32. Machine guns: Machine guns will be required in about the proportion now issued to an infantry regiment.

33. Tanks: There will be many cases where tanks can be used to good advantage. Certainly the moral as well as the physical effect of a tank bearing down upon a mob will do much toward breaking up the mob. Tanks have been used effectively in street fighting. A pole or spar has been lashed to the tank and this used as a battering ram to break in doors or make breaches in barricades.

34. Thirty-seven-millimeter guns: Occasions may arise when the 37-mm gun will be of value, but ordinarily it will be found that the 3-inch mortars will answer the purpose.

35. Three-inch mortars: Trench mortars are especially adapted for use in city fighting where high-angle fire is necessary to reach targets in areas but slightly in advance of the troops but separated therefrom by rows of buildings of varying heights.

36. Transportation: Motor trucks, passenger cars, motorcycles, motorcycles with side cars, and horses, depending on the situation, will be required for the transportation of patrols and messengers, and for the hasty transportation of troops. If the organization does not normally have motor transports as a part of its normal equipment, the necessary motor transport should be provided, civil or military.

37. Miscellaneous supplies and equipment: Shotguns, using charges of buckshot, should be issued to a section of the command. For operations in a city an extra supply of axes, picks, sledge hammers, crowbars, and rope will be of value.

On page 12 of the manual we find that—

Federal troops have been used in the suppression of domestic disturbances on more than a hundred occasions.

It will be stated, of course, that the information in this manual is issued solely for the purpose of dealing with those who seek to overthrow the Government by violence, or only

against Communists. Let us analyze this defense. No one will contend that there is a considerable number who advocate the overthrow of Government by violence. As for the Communists, there were only 125,000 votes cast for their ticket in 1932.

Therefore, it is apparent that this manual was not issued to deal with revolutionists. There certainly is a more subtle purpose for this manual.

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. That purpose and what the author has in mind in using the word "mob" becomes very clear when I read the following statement on page 25. I read the sentence:

Information relative to the lawless elements may be secured from the police department—

This is all right; but listen to this—

supplemented by private detective agencies, railroad detectives.

The infamous antilabor history of these agencies is well known. They have no interest in preserving the Government. There is no money in that business. They are hired to fight organized labor, to furnish and protect "scabs" and to injure labor pickets. I recommend to the Members the reading of *I Break Strikes*, by Bergdorf. This business is lucrative. This manual sends officers to these agencies for information, agencies whose business it is to smash labor. These words give the whole story away. This manual, Mr. Chairman, is a manual which instructs officers and soldiers, National Guard and all concerned, how to break strikes. This manual is directed against labor, against labor strikes, against mass picketing, and against the right of striking workers to assemble. By "mob" and "lawless elements" the author means American workers assembled on the economic battle front. Strike-breaking agencies are to furnish the information to officers and troops for the purpose of using tanks, for the purpose of shooting low, and for the purpose of using bayonets against whom? No; not against revolutionists, my colleagues, but against organized labor exercising its God-given right to assemble, organize, and picket.

I submit that it is high time the Congress took action to prevent the use of troops in industrial disturbances for the purpose of breaking up strikes. Labor has the right to organize; labor has the right to strike; and, above all, labor has the right to take the picket line. It is high time that we see to it that when American workers who are forced to go on the picket line should not be shot down by officers and soldiers who are paid with money which comes by the sweat of the brow of the American workers.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, the gentleman from New York [Mr. MARCANTONIO] is a very able Member of the House and is very ingenious in argument. I know the purpose of his argument. The gentleman has the right to entertain his views; anyone has a right to entertain and express his views within the law. Anyone has a right to advocate a dictatorship of the proletariat in the United States, if he does it within the law; but such people have no right to advocate it by force and violence. That is not freedom of speech; that is license. Anyone who undertakes to say that to advocate the overthrow of government by violence and force is freedom of speech makes a statement which is inconsistent with history, inconsistent with the truth, and inconsistent with the proper interpretation of the freedom-of-speech clause of the Constitution of the United States.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield right there?

Mr. McCORMACK. No; I will not yield to the gentleman.

Mr. ZIONCHECK. The gentleman knows—

Mr. McCORMACK. I can handle myself without the assistance of the gentleman from Washington.

The gentleman from New York talks about strikes; he talks about the Army manual. The gentleman knows that the Regular Army and Navy are never used in strikes.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. The honorable gentleman knows that the Army and the Navy have been used only on two occasions in the past number of years—I know it is very rare—and then only to assure transportation of the mail. The Army and Navy are not used in strikes. The National Guard is used where riotous conditions exist; the National Guard, where the welfare of the people of the community is involved, under conditions when the Government is justified in using reasonable force to insure internal peace and order.

Nobody respects the right to strike more than I, nobody would fight more for the right to strike than I, and nobody has done more to advance this principle in an orderly way than I; but the gentleman makes a forced interpretation. The gentleman in all sincerity—he is honest on these questions; I have talked with him, and I know the gentleman is honest; I know he honestly entertains certain opinions—but he knows the proper interpretation of those orders is not as he intimated in his speech.

Mr. Chairman, I yield to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Does the gentleman think it proper that in Army Manual 2000-25 there should be given the definition of democracy which is contained therein and that definition spread among American soldiers?

Mr. McCORMACK. I did not hear the gentleman read it.

Mr. MARCANTONIO. I will read it:

Democracy: A government of the masses. Authority derived through mass meeting or any other form of direct expression. Results in mobocracy. Attitude toward property is communistic—negating property rights. Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard for consequences. Results in demagogism, license, agitation, discontent, anarchy.

Does the gentleman concur in that definition of democracy?

Mr. McCORMACK. That has not been given as a definition of democracy. That is a statement of the methods by and through which the communists are undertaking to bring about their objective; that is, through agitation, through exploitation, through any means, whether legal or illegal; through an effort to bring about a general strike to ultimately obtain the desired and avowed objective. Everyone knows that a general strike is revolution. It is more than a disagreement between employer and employee. A general strike is a challenge to the sovereignty of the country; a general strike is a challenge to the sovereignty of the United States and the sovereign power of our country. [Applause.]

[Here the gavel fell.]

Mr. McCORMACK. I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. MARCANTONIO. The proof of the pudding that the definition of democracy was official lies in the fact that Secretary Dern withdrew this definition and in withdrawing it stated as follows in a letter to Mr. Oswald Garrison Villard: "Why pick on a sinner after he has reformed?" Is the gentleman from Massachusetts now defending the definition?

Mr. McCORMACK. Mr. Chairman, it does not concern me what Secretary Dern does. If Secretary Dern made a recommendation, as he did, in support of such legislation and withdraws it, he is the one who has to answer to the

American people. Secretary Dern has a responsibility of his own; but because Secretary Dern changes his position is no reason why I should change my position, and, so far as I am concerned, I do not change my position one iota.

Mr. Chairman, in this country we have the constitutional power to bring about changes. A Socialist, operating within the law, may advocate changes through the ballot box. I will oppose them in their efforts, as I have a right to oppose them, but I will defend and protect their constitutional rights. A man has a right to agitate the establishment of a kingdom, absolute or limited, in this country, if he does so through the ballot box. Our means of change is not bullets but ballots. [Applause.] Men have the right to advocate anything they want to within the law, employ orderly means, present candidates pledged to certain changes, and then try to have the people vote for those candidates. They may, in a constitutional way, bring about an amendment to our Constitution in this body and then have it ratified by the legislative bodies of the several States of the Union, as provided by the Constitution. This is in accordance with the Constitution. But, Mr. Chairman, I recognize the right of nobody to advocate the overthrow of this Government by violence and force. There is no necessity for this. There are legal means in this country available to those who advocate changes. They are not suppressed. They have the right of expression and the right of action. However, they do not want to do that. They advocate force and violence. The argument of the gentleman from New York [Mr. MARCANTONIO] is ingenious. He is trying to create fear in the minds of the people with the message that there is something to what he read from that manual which is destructive of our country. Our Army is small and it is subject to civil jurisdiction. The civil part of our Government dominates in our country. We are not under a dictatorship. We may hear that cry for political reasons, but that is all in the game. We know our country is not a dictatorship. It is a constitutional Government. The gentleman's argument is ingenious and is made for the purpose of conveying a thought to certain groups. It is not the correct interpretation, and he is too honest with himself to know otherwise. However, he tried to subtly convey a different thought.

Mr. Chairman, we in this country recognize the right of all groups to advocate changes within the law and not outside of the law. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion of the gentleman from New York.

The motion was rejected.

The pro-forma amendments were withdrawn.

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 2 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I want to make an observation with reference to the speech of the gentleman from Massachusetts. The gentleman spoke of free speech and an orderly way of changing things under our democratic form of government. In the gentleman's own State, however, in order to peacefully assemble—speaking about unorthodox things, if you please—the people were and are forced to wear what are known as "free speech helmets"; that is, a hat stuffed with paper. They had, and have, to do this in order to keep their skulls from being split open by the officers of law and order, by the direction of those fine law-abiding citizens who clasp their hands and speak of law and order, against force and violence, and always for the Constitution, despite the fact that these are God-fearing, church-going people and have been taught—or, rather, exposed in their younger years—that the Bill of Rights is a part and parcel of our great Constitution.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. ZIONCHECK. I yield to the gentleman from New York.

Mr. MARCANTONIO. I wonder if the gentleman, in his time, or the gentleman from Massachusetts, will explain what relevancy his discourse on his interpretation of the right of free speech has to a war manual teaching soldiers to shoot down strikers?

Mr. ZIONCHECK. It is like talking about humming birds and crab apples. When the gentleman from New York read a provision from the manual, he read a definition, and the gentleman from Massachusetts ignored it. He had to. He could not answer it. There was no answer.

Mr. McLEAN. Mr. Chairman, I make the point of order that the gentleman is not addressing himself to the pro-forma amendment.

[Here the gavel fell.]

The CHAIRMAN. The pro-forma amendment is withdrawn.

The Clerk read as follows:

WELFARE OF ENLISTED MEN

For the equipment and conduct of school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers, salaries of civilians employed in the hostess and library services, transportation of books and equipment for these services, rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, \$34,940.

Mr. CULKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CULKIN: After the period in line 24, page 9, insert a new paragraph, as follows:

"For the construction or betterments of barracks for enlisted men and quarters for noncommissioned officers, staff or otherwise, the sum of \$50,000,000, to be allocated by the Quartermaster General in the manner heretofore authorized by Congress."

Mr. PARKS. Mr. Chairman, I make the point of order against the amendment that it is not authorized by law and therefore is not in order, and, in addition, it is legislation on an appropriation bill.

Mr. CULKIN. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. Will the gentleman from New York, in the course of his remarks on the point of order, show that authorization has been made for such an appropriation?

Mr. CULKIN. Yes; I can show that, Mr. Chairman.

This amendment, which follows the paragraph relating to welfare of enlisted men, provides \$50,000,000 for housing in accordance with authorization heretofore made by Congress. The books are full, I will say to the Chair, of such authorizations. I recall in a former session of the Congress an authorization which reached through some pages.

The CHAIRMAN. The Chair will ask the gentleman to cite specific instances, giving the page and number of the law, that provides authorization for this proposed appropriation.

Mr. CULKIN. I am unable to do that, Mr. Chairman; but, of course, it is a matter of common knowledge, and Congress, of course, will take cognizance of its own acts.

The CHAIRMAN. The gentleman is a very good lawyer, and the burden of proof is upon the gentleman to show that authorization has been made and is the law.

Mr. CULKIN. Do I understand the burden is on me of citing the specific page and chapter?

The CHAIRMAN. It certainly is, to justify the gentleman's amendment.

Mr. CULKIN. And Congress will not take cognizance of the acts of Congress. I respect the ruling of the Chair—

The CHAIRMAN. The gentleman is being heard on a point of order and is seeking to prove that his amendment is in order, and naturally the burden of proof is upon the gentleman to give the Chair and the Committee proof that such appropriation has been authorized.

Mr. CULKIN. Will the Chair take my recollection of it?

The CHAIRMAN. The gentleman's recollection might be very indefinite.

Mr. CULKIN. I shall be as specific as possible. In a former Congress an authorization was passed by the House and by the Senate—it might have been earlier than the last

session of Congress, and I do not wish to bind myself to that—authorizing housing running into many millions of dollars. I recall specifically Mitchel Field as one phase of the authorization, and there were many others.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. WOODRUM. I am sure the gentleman is conscientious, and I can say to the gentleman emphatically that there is no existing authorization for the appropriation provided in his amendment.

Mr. CULKIN. Providing barracks for enlisted men?

Mr. WOODRUM. For the building of additional barracks. There are no barracks authorized for which money is not carried in this bill.

Mr. CULKIN. I may say to the gentleman that I did not see the President sign this bill, but I know it passed the House and went to the Senate; and I know it passed the Senate.

Mr. WOODRUM. The gentleman is in error.

Mr. CULKIN. Is the gentleman sure about that?

Mr. WOODRUM. Yes; that is my recollection, and the very efficient clerk of our committee is positive about the matter.

Mr. CULKIN. May I query the gentleman in this way? Does the gentleman say there are no authorizations for housing heretofore passed by the Congress and approved by past Presidents?

Mr. WOODRUM. That is my understanding of it.

Mr. CULKIN. None whatever.

Mr. WOODRUM. That is my understanding.

Mr. CULKIN. The record is naked of any such authorization?

Mr. WOODRUM. Yes.

Mr. CULKIN. The gentleman has had more experience in connection with this matter than I have had, but my recollection differs from his.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. WADSWORTH. Is it not a fact that the President, under authority of the Congress, has already allotted sums which have been spent in the building of barracks for the Army?

Mr. CULKIN. The gentleman's statement is correct.

Mr. WADSWORTH. Is not that an existing authorization?

Mr. WOODRUM. If the President has done that, the funds have never been passed by an appropriation bill. There have been allotments made from emergency funds for a great many things for which you could not pass an appropriation here without a specific authorization.

Mr. WADSWORTH. It is the opinion of the gentleman that that authorization would not include an appropriation of this character?

Mr. WOODRUM. Yes.

Mr. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. BOLTON. While I am in sympathy with the amendment of the gentleman from New York, I realize that funds are not available for this purpose. However, I desire to call the gentleman's attention to page 235 of the hearings, which recites the general Army housing program which was adopted by the Congress and on which the President has reported. So there is legislation for the Army housing program.

Mr. WOODRUM. But there has been no authorization for this appropriation.

Mr. BOLTON. Under this appropriation; no.

Mr. WOODRUM. I would like to say to the gentleman from New York [Mr. CULKIN], I understand there is much merit in the position he takes as to the need of this appropriation. I do not quarrel with the gentleman on that point; but, as a matter of fact, there is no legal authorization for this appropriation and I do not see how the Chair can escape sustaining the point of order.

Mr. CULKIN. Mr. Chairman, I find that page 235, part 1, of the hearings before the subcommittee, contains ample

evidence—I do not want to prolong the discussion indefinitely and do not wish to differ with the recollection of the distinguished gentlemen from Virginia, but there seems to be ample authority on that page for this amendment.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. CULKIN. I yield.

Mr. HILL of Alabama. I might say as a member of the Committee on Military Affairs that those matters on page 235 are certain specific detailed appropriations and are not a sufficient authorization for the amendment offered by the gentleman from New York. They are for different projects—so much money for barracks and so much for noncommissioned officers—and different specific items. They would not authorize the amendment offered by the gentleman. In fact, there is no authorization for an appropriation.

Mr. CULKIN. I continue to disagree with the gentleman on that.

Mr. BANKHEAD. Will the gentleman allow me, if the gentleman will turn to page 245 of the hearings he will find this statement by General Bash in answer to a question by the gentleman from South Carolina [Mr. McMILLAN]:

The War Department proposes to submit authorizing legislation to this Congress for the construction projects in the following amounts.

So it would appear that the War Department recognizes that before additional housing can be had it will require additional legislation to authorize it.

The CHAIRMAN. The Chair is ready to rule. The amendment proposed by the gentleman from New York is for the construction or betterment of barracks for enlisted men and quarters for noncommissioned officers, staff or otherwise, the sum of \$50,000,000, to be allocated by the Quartermaster General in the manner heretofore authorized by Congress.

The Chair has been unable to find any law authorizing this appropriation, and the Chair thinks no authorization has been made to include the sum of \$50,000,000, and no legislation has been had authorizing the disbursement of the money by the Quartermaster General, and therefore sustains the point of order.

Mr. CULKIN. Mr. Chairman, I defer to the Chair's ruling, but may I later present it if I find such legislation? I now offer another amendment.

The Clerk read as follows:

Amendment by Mr. CULKIN: Page 9, after line 24, insert the following: "For the construction or betterment of barracks for enlisted men and quarters for noncommissioned officers, staff or otherwise, the sum of \$50,000,000."

Mr. PARKS. Mr. Chairman, I make the same point of order stated a moment ago.

The CHAIRMAN. The Chair is ready to rule. This amendment of the gentleman from New York proposes to appropriate \$50,000,000 for the construction or betterment of barracks for enlisted men, and so forth, as the other amendment provided. In the law regarding the construction or improvements of barracks, the Chair finds the following language in title 10, section 1339, of the United States Code:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed \$20,000, shall be erected unless by special authority of Congress.

That special authority the Chair thinks has not been granted and, therefore, sustains the point of order, because it is legislation on an appropriation bill.

The Clerk read as follows:

FINANCE DEPARTMENT PAY OF THE ARMY

For pay of not to exceed an average of 12,000 commissioned officers, \$33,944,252; pay of officers, National Guard, \$100; pay of warrant officers, \$1,474,844; aviation increase to commissioned and warrant officers of the Army, including not to exceed 5 medical officers, \$2,186,501, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; additional pay to officers for length of serv-

ice, \$9,706,748; pay of not less than an average of 150,000 enlisted men of the line and staff, not including the Philippine Scouts, \$60,883,292, and in addition \$2,344,211 of the appropriation "Pay of the Army, 1936", which sum shall remain available until June 30, 1937, for defraying the cost of increasing the enlisted strength of the Regular Army from an average of 147,000 to an average of 150,873 enlisted men, and shall be available also for the objects embraced by and in addition to other appropriations contained in this act; pay of enlisted men of National Guard, \$100; aviation increase to enlisted men of the Army, \$508,782; pay of enlisted men of the Philippine Scouts, \$1,050,447; additional pay for length of service to enlisted men, \$4,759,614; pay of the officers on the retired list, \$12,369,850; increased pay to not to exceed 7 retired officers on active duty, \$9,145; pay of retired enlisted men, \$13,589,060; pay not to exceed 60 civil-service messengers at not to exceed \$1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, \$72,000; pay and allowances of contract surgeons, \$53,076; pay of nurses, \$899,260; pay of hospital matrons, \$600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, \$6,309,574; subsistence allowances, \$5,912,561; interest on soldiers' deposits, \$30,000; payment of exchange by officers serving in foreign countries, and, when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, \$100; in all, \$153,759,906, less \$285,000 to be supplied by the Secretary of War for this purpose from funds received during the fiscal year 1937 from the purchase by enlisted men of the Army of their discharges, \$153,474,906; and the money herein appropriated for "Pay of the Army" shall be accounted for as one fund: *Provided*, That during the fiscal year ending June 30, 1937, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the act approved May 11, 1908 (U. S. C., title 10, sec. 803).

Mr. CONNERY. Mr. Chairman, I move to strike out the last word. It had been my intention in this bill to offer an amendment, but I find after consultation with the Parliamentarian that it would be difficult, if not impossible, to draw an amendment as a limitation on this appropriation bill along the lines I desire. I quote from a joint resolution which I introduced and which was referred to the Committee on Military Affairs in the last session of this Congress. The resolution is as follows:

That no arms, clothing, equipment, equipage, stores, or material heretofore or hereafter supplied by the United States to the National Guard, or heretofore or hereafter purchased for the use of the National Guard out of any funds appropriated at any time by the United States, shall be used by any unit of the National Guard of any State, Territory, or the District of Columbia while on duty for any purpose in connection with any labor strike, dispute, or controversy (whether or not martial law has been declared in force in respect thereof), unless express approval for such use is given at the time by the Secretary of War in each case for each such unit.

This resolution went before the Military Affairs Committee. Hearings were held upon it. I understand the committee took no action unless it laid the resolution on the table. I respectfully ask my friend the chairman of the Military Affairs Committee [Mr. McSWAIN] what action the committee took.

Mr. McSWAIN. I can merely say that the matter was considered; but I do not remember now that anybody was in favor of it.

Mr. CONNERY. I did not want to make a misstatement. That is why I asked for this information from the chairman at this time. I know that no action was taken insofar as reporting it to the House is concerned.

Mr. Chairman, I think that this is an important piece of legislation in connection with the National Guard. The purpose of it is to stop the Governors of States who are friendly with the big mill owners and corporations in a State from calling out the National Guard on the least provocation and using the National Guard for the purpose of breaking strikes in those States. We have had many instances of that, and, while no one, of course, is going to say that the National Guard should not be called out to keep law and order, and labor organizations are just as much in favor of that as anyone else, when we have the spectacle of Governors calling out the National Guard, when you have a picture, as was testified in those hearings, of National Guardsmen chasing a striker up onto the porch of his own home and then stabbing him to death, when you

have the picture of the National Guard being used, as it was in one instance, to herd 100 girls into a storehouse and keep them there all night at the behest of the owners of a mill, I do not believe any Member of Congress, or any self-respecting person in the country, would approve the National Guard being used for such purposes. All I ask in the resolution, all I was going to ask as an amendment, if it could be held as a limitation, is that the Governor of any State, in case of a labor trouble, be compelled to go to the Secretary of War and ask for the National Guard, in a situation such as I have described, believing, in those circumstances, that immediately the Secretary of War would confer with the President of the United States, that the President would then look over the situation, and that in an emergency they could send in the guard. But the situations to which I refer are not emergencies, they are instances where the big mill owners and manufacturers are merely using the National Guard of the country to break strikes. I do not think that is right; I think it ought to be changed; and I hope that the Committee on Military Affairs will reconsider the resolution.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes.

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 minutes.

Mr. PARKS. Mr. Chairman, I shall not object to the gentleman having 3 more minutes, but I shall have to object to any more.

The CHAIRMAN. Is there objection to the gentleman from Massachusetts proceeding for 3 minutes?

There was no objection.

Mr. MERRITT of New York. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes. I yield to my friend from New York.

Mr. MERRITT of New York. The gentleman is willing to have the Governor of each State go to the Secretary of War or to the President in order to get the National Guard?

Mr. CONNERY. Yes. The labor unions are as much in favor of calling out the guard to protect law and order as anyone, but anyone who has made a study of labor conditions and strikes knows that the National Guard is always used against labor, and never for its protection.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. CONNERY. I yield to my friend from Washington.

Mr. ZIONCHECK. In Tacoma, Wash., we had a lumber strike and our Governor, who happens to be a flour-mill owner, called out the National Guard. I have documentary proof here that Secretary of Labor Perkins and the President of the United States objected and asked him to withdraw those troops so that violence would not come about, but he still kept them there, and we were paying the National Guard with Federal money.

Mr. CONNERY. The gentleman is absolutely correct. That is just what I want to prevent.

Mr. MAAS. Will the gentleman yield?

Mr. CONNERY. I yield to my Minnesota friend.

Mr. MAAS. The gentleman makes the statement that the National Guard is only called out against labor.

Mr. CONNERY. That is right.

Mr. MAAS. Is the gentleman familiar with the fact that the Governor of Minnesota has been using the National Guard of that State to enforce strikes?

Mr. CONNERY. And when they went into court on it, the court said, "This is nonsense. You cannot use the National Guard to protect labor." The only time they ever use the National Guard is against the workers.

Mr. MAAS. But they were not protecting the workers. They were preventing labor from working.

Mr. CONNERY. Oh, they closed the factory. The court said to them, "You cannot close a factory with the National Guard." Of course, we all know, and it needs no proof, that whenever they are to be used for labor they are all wrong.

Mr. McSWAIN. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. McSWAIN. Does not the gentleman remember that when he was before the committee I called his attention to the fact that the Governor of South Carolina, a fine gentleman, who was reared in a cotton mill, self-educated, still carries a union card, largely elected by the labor vote, was called upon to send out the National Guard at the instance of the strikers to protect them, and, finally, seeing the matter was settled, he withdrew the National Guard, and in less than 24 hours the employees got into a fight amongst themselves and had a regular battle and fired 500 shots and killed one woman?

Mr. CONNERY. I would say that nothing of that sort could happen if they had to go to the Secretary of War or to the President of the United States first. The governors of States will be stopped from calling out the National Guard every time there is a labor dispute if this law were enacted.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

Mr. SAUTHOFF. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. SAUTHOFF: Page 12, line 1, strike out "\$153,474,906" and insert in lieu thereof "\$121,475,093."

Mr. SAUTHOFF. Mr. Chairman, the purpose of my introducing this amendment is to reduce that figure "Pay of the Army" by \$32,000,000. The reason I seek to reduce is that I see no logical purpose being served by increasing the pay, because there is no more danger of war now, no more danger of internal disorder now, than there was 3 years ago.

In 1935 the pay was the figure which I have in my amendment, namely, \$121,475,093. The pay of the Army in 1936 was \$146,962,485. In 1937 there is recommended \$153,474,906. That means an increase of \$32,000,000 in 3 years. What I would like to see done with this money is to use it for unemployment purposes and to put men on jobs. I have no objection to paying good salaries when we have the money. I have always been in favor of paying good salaries. I would be in favor now of paying good salaries, but when there are 10,000,000 people without jobs, it seems to me highly improper that we should raise these wages and pay \$32,000,000 extra, and leave 10,000,000 people without jobs. Let us take some of this money that we are placing in these increases for the Army and for the Navy and for other military purposes, and devote that money to relieving unemployment and taking care of those who are walking the streets without jobs.

Mr. WOODRUM. Does the gentleman care to yield?

Mr. SAUTHOFF. Surely.

Mr. WOODRUM. Does the gentleman realize the fact that if his amendment should be adopted, the effect of it would be to immediately discharge from the Army approximately 50,000 enlisted men, and instead of helping unemployment, he would aggravate it to that extent?

Mr. SAUTHOFF. No; not necessarily. Could not the wages be cut?

Mr. WOODRUM. How does the gentleman explain it? The wages are fixed by law. If you turn 50,000 men out of the Army tomorrow, what are we going to do with them?

Mr. SAUTHOFF. Why can we not fix the wages by law?

Mr. WOODRUM. The gentleman wants to relieve unemployment. Now, turning 50,000 men out of the Army tomorrow means adding to unemployment. What are you going to do with them?

Mr. SAUTHOFF. I want to answer that statement, because it is not a correct statement. We could always lower the wages. We have the power to make the laws. We are letting 10,000,000 go without any wages. I think that we should find some money to help them.

Mr. MAAS. Will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. MAAS. Does the gentleman know what the wages of a private in the Army are?

Mr. SAUTHOFF. Oh, I know they are very low.

Mr. MAAS. Twenty-one dollars a month. Does the gentleman want to cut that?

Mr. SAUTHOFF. Surely, if it will give somebody who is out of a job a chance to get something to eat. I am in favor

of cutting salaries, officers particularly, if thereby we can get more for the unemployed.

Mr. MAAS. How much would the gentleman pay the enlisted men in the Army, then?

Mr. SAUTHOFF. I am not setting any standard, but what I want is about \$100,000,000 of war appropriations to help take care of unemployment. That is what I am after.

Mr. BOILEAU. Will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. BOILEAU. The gentleman from Virginia made the statement that we would have to cut down the enlisted personnel in order to save \$32,000,000.

I do not believe it would require such a large cut, but it would seem to me that the cut should not come entirely from the enlisted men. It might not do any harm to reduce the officer personnel as well. Much more money could be saved by reducing some of the officers.

Mr. SAUTHOFF. The gentleman from Wisconsin is absolutely right. When you see the thousands of Army and Navy officers hanging around Washington doing nothing, you come to the conclusion that they could easily be cut. Let me remind the Members with what unseemly haste the bill was hustled through Congress last summer to increase the number of officers from 4,000 to 5,000, and the date when the measure was to become effective was moved forward 1 month so that pay increases might be had 30 days earlier. All other measures had to make way to effect this purpose. No such haste is shown in raising funds for unemployment. No such tenderness of sentiment is shown regarding the pay of those on Government jobs. Although we are experiencing one of the coldest and severest winters in our history, the poor, homeless, ill-fed, ill-clad unemployed can wait. They have no lobby, no gold braid, no social prestige. To hell with them—they do not count!

Who pays this war-tax bill which takes 60 cents out of every dollar raised by Federal taxation? Our citizens, of course! Can they stand these increases that mount up year by year? Let us see. The mortgage indebtedness of the State of Iowa is \$452,902,815; of Wisconsin, \$355,029,993; of Minnesota, \$235,114,123. This makes a total of \$1,042,047,031 for only three States, agricultural States, largely devoted to dairying; debt-ridden; drought-ridden; tax-ridden. Harassed by dairy imports from foreign lands and butter substitutes from the South, these farmers must now pay out more hard-earned money so that our Army may have high-class polo and our Navy build more battle-ships and cruisers so that United States Steel and Bethlehem and Du Pont and others may have profits running from 50 to 60 percent. I am afraid that we are placing our emphasis on the wrong things. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The amendment was rejected.

Mr. ZIONCHECK. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: Page 12, line 1, strike out "\$153,474,906" and insert in lieu thereof "\$146,962,485."

Mr. ZIONCHECK. Mr. Chairman, this amendment follows along the line of the amendment offered by the gentleman from Wisconsin, only it is not so drastic. His amendment reduces the appropriation for Army pay from \$153,000,000 to \$120,000,000, which was the appropriation in 1935. The amendment I am submitting now for your approval—and I hope it will receive approval, despite the fact some people do not listen and others listening do not understand.

This amendment reduces the Army pay to that of 1936, which was the largest Army pay in the United States of America during any year of peace. The chairman of our committee admits that the Congress appropriated \$20,000,000 for one particular activity of the Army last year—he can tell you what it was; I forget—then the Bureau of the Budget allowed but \$11,000,000 for this purpose, and they got along with it somehow or other. All that the chairman says here is not surrounded by a halo. The Bureau of the Budget cuts a \$20,000,000 item to \$11,000,000, even after Congress author-

ized the larger amount as absolutely necessary, and somehow or other the Army still exists. Is not this funny? Can any Member of Congress believe that? My God! Can you believe it? The chairman cannot deny it. He dare not deny it!

The point brought out by the gentleman from Wisconsin [Mr. SAUTHOFF] was that this money be used for something else. Go down to Fort Humphreys, to Belvoir, to Fort Myer, and see where they are building \$14,000 shanties for lieutenants, furnishing them. They do not make enough money after they buy their food to keep their houses warm, so now they have to furnish them fuel.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. I yield.

Mr. MARCANTONIO. Does the gentleman know that 3,500,000 school children were unable to go to school in the United States because the counties did not have funds to keep the schools open?

Mr. ZIONCHECK. That is immaterial. Take care of the Army. Do not bring in irrelevant matter.

After all that, as soon as an officer reaches retirement age he is retired at almost full pay. The officers have a better status than do civil-service employees, because if you try to discharge an Army officer or a soldier, he has a place where he can appeal. You do not furnish that to anyone else. Why do you give them these special privileges? Is it because they kill people or are trained to kill people?

As I stated yesterday, I am no starey-eyed pacifist. I recognize that as long as the profit system lasts—and it may last as long as I live, and longer—we have got to have an army and navy, because without an army and navy you cannot have private property.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Just a minute; the gentleman from Minnesota will not add anything to this.

Mr. MAAS. Oh, yes; I will.

Mr. ZIONCHECK. No, you will not. Mr. Chairman, I do not yield. Because without the Army and Navy, without police forces, those who have could not withstand those who have not, for those who have not would take it away from them. And maybe that is not all.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. PARKS. I object, Mr. Chairman.

Mr. FADDIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, yesterday the gentleman from Nebraska [Mr. LUCKEY], in his statements before the Committee, spoke critically regarding the expenditure of the money which we appropriate for national defense. I am sure the gentleman from Nebraska wishes to be fair; but by his implications he has created a false impression, which should not remain in the minds of this Committee or go out to the taxpayers of the Nation unrefuted. The Army is the people's Army, and they should be correctly informed of the facts.

Mr. LUCKEY, on page 1933 of the CONGRESSIONAL RECORD of February 12, draws comparisons between the size and cost of maintaining the Army of the United States and the armies of various foreign countries, as follows:

	1919-34	1929-34
United States.....	\$22,273,600,000	\$3,973,100,000
Great Britain.....	20,174,500,000	2,646,600,000
France.....	6,926,500,000	3,048,400,000
Italy.....	6,884,100,000	1,827,100,000
Japan.....	4,817,700,000	1,258,600,000
Germany.....	1,952,400,000	1,112,900,000

These figures show the cost per man to be much greater in the United States Army than in the army of any other nation except that of Great Britain.

Now what I wish the gentleman from Nebraska and the committee to understand is this: There are two kinds of armies in the world. First, we have the small highly trained volunteer professional army possessing a high degree of

mobility, its personnel well fed, well clothed, well cared for, good hospital facilities, adequate facilities for amusement. Second, we have the large conscripted army, having a lower degree of mobility, poorly fed, practically unpaid, and cared for proportionately. The Armies of the United States and Great Britain are of the first kind. The Armies of France, Italy, Japan, and Germany are of the second kind.

There is no comparison between the type of men in the two types of armies. The Armies of the United States and Great Britain are composed of a fine type of men. The type of men which compose our small Army is the nucleus upon which will be built, in case of emergency, our great citizen army of more than 4,000,000 men. This requires a high type of men, and they must be reimbursed, cared for, and equipped accordingly. Conscription in time of peace has always been contrary to our national ideals; therefore, we maintain, although at greater cost per man, the first type of army. I believe in this connection the following facts would be interesting to the members of the committee and to the taxpayers of the Nation:

Mr. LUCKEY's figures do not truly represent comparisons between the cost of our own national defense and that of the other five great powers. From the data which I have at hand covering the years 1929 to 1934, Great Britain, for example, spent 25 percent more from her defense budget than Mr. LUCKEY shows; Germany at least 20 percent more, and Japan at least 75 percent more. Nor do these figures tell the entire story.

In France, for example, the remount service and the establishments that go to make up the raising and handling of horses is hidden away under allotments to the Agricultural Department and do not show in the budget figures for the Defense Departments.

Manifestly, to compare the French War Department budget with the American War Department budget for this item would show an incorrect figure.

In 1907 the Japanese appropriated the sum of 800,000,000 yen as a continuing expense to be spread over the period ending 1946. The appropriated part spent in any fiscal year would not appear in the regular annual budget. Other countries, notably France, in connection with the permanent fortifications on the western front, have done likewise.

Attention is invited to the fact that in many countries first figures published under a budget heading are changed by such devices as ex-post-facto decrees and supplementary estimates that are issued years later. Accordingly, a variation may be expected from year to year in reports under the above appropriation headings.

A fair comparison of how money is spent by any two countries for national defense cannot be made without a statement of the difference of the standard of living of any two countries. To illustrate: The relative cost of living in the United States is three times as great as in Japan. Italy furnishes her soldiers with a square piece of cloth for a sock. We furnish our soldiers with a splendid knitted sock. The pay of the personnel in most foreign armies is such that the soldier can barely exist. We pay our personnel at least a living wage. It is reported that a very large portion of the cost of Japan's troops now on the mainland of Asia is paid from the resources of the occupied territories. The income of the South Manchuria Railway and the coal mines in Manchukuo are said to help pay for Japan's conquest of Asia.

Thus, we see that the figures presented by Mr. LUCKEY in no wise present the real picture of comparative costs of national defense in the various countries. His contention that the national defense of other countries is economically secured and that ours is not is not based on fact. I have served in our armed forces and have been closely connected with them since the World War. We get a return for our expenditures on national defense which compares favorably with that of a large well-regulated business as well as with the national defense of any other country.

Mr. McSWAIN. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from South Carolina.

Mr. McSWAIN. Is it not a fact with reference to this matter of the Army defending private property that the largest army in the world and the largest air force in the world is maintained by Russia, where there is no private property?

Mr. FADDIS. That is true.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. ZIONCHECK].

The question was taken; and on a division (demanded by Mr. ZIONCHECK) there were—ayes 9, noes 73.

So the amendment was rejected.

Mr. ZIONCHECK. Mr. Chairman, I object to the vote on the ground there is not a quorum present.

Mr. RANKIN. The gentleman cannot get a roll call that way.

Mr. ZIONCHECK. I know we cannot, but we can get a breathing spell.

The CHAIRMAN. One hundred and three Members are present, a quorum. The Clerk will read.

The Clerk read as follows:

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on the active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the War Department: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War.

Mr. MOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, before we proceed further and before the matter has slipped the minds of the Members, I want to comment briefly on the observation made yesterday by the gentleman from New York [Mr. CULKIN] to the effect that Congress has lost its jurisdiction in the field of river and harbor improvement. I also want to express my sympathy for the gesture made yesterday by the gentleman from Indiana [Mr. PETTINGILL] in trying to recapture some of this jurisdiction. I do not believe that his proposed method of recapture would be an effective one, but I do think this lost jurisdiction ought to be recaptured.

The gentleman from Indiana stated that when the proper place is reached in the river and harbor portion of this bill he would offer an amendment authorizing the War Department to expend the sum of about \$7,000,000 out of the river and harbor appropriation carried in the bill, for the purpose of prosecuting authorized projects in the Great Lakes district. I do not think this particular proposed amendment can prevail or that it ought to prevail, because if it is fair to earmark in this general appropriation bill the sum of \$7,000,000 for authorized projects in the Great Lakes district, then certainly it would be equally fair to include particular specifications for expenditures in other districts throughout the country. And so, when the gentleman gave notice that he would offer the amendment, I checked up on the number and amount of authorized river and harbor projects in my own State, in order that I might be prepared in that event to offer a substitute amendment.

Mr. Chairman, I found there are a half dozen regularly authorized projects in Oregon, some having been authorized for as long a period as 3 or 4 years, and amounting in all to \$1,396,000. These are not projects created by Executive orders but are projects actually authorized by the Congress and approved by the Board of Army Engineers. If it is fair to include the Great Lakes projects specifically in this bill certainly it would be fair to include these authorized projects in Oregon, and if the gentleman offers his amendment I shall offer my substitute.

I do not think we can reach the situation in that manner, and I do not think the gentleman should attempt it in that way, but I do believe that the Congress and the Rivers and Harbors Committee have lost practically all of their effective jurisdiction in this field of legislation, and I believe we should begin now to recapture it.

I wonder if Members have ever stopped to think how little actual authority the Congress has left in the matter of river and harbor legislation? Briefly, the procedure in river and harbor improvement is this: The Rivers and Harbors Committee may by resolution authorize the War Department to make a survey of a proposed river and harbor improvement. Then the district engineer, upon this committee authorization, makes a survey. After he makes his survey the division engineer makes another survey and a report. It goes then to the Board of Army Engineers upon the report of the division engineer, and if the Board of Army Engineers should disapprove the recommendation of the division engineer, the Congress never hears any more of the proposition. The whole matter automatically stops right there. If the Board of Army Engineers should approve the division engineer's report, then it comes back to the Congress for authorization. Not for appropriation, mind you, but simply for authorization. The authorization in most cases by the Congress is merely a formality. Congress authorizes it solely because the Board of Army Engineers has approved it.

After that what takes place? We go then to the Appropriations Committee for the purpose of trying to get the money to carry out this authorization of the Congress. And what do we find? At the present time there are \$300,000,000 worth of river and harbor projects authorized by the Congress and approved by the Board of Army Engineers. Every one of them are legitimate, meritorious, and necessary projects.

[Here the gavel fell.]

Mr. MOTT. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MOTT. There are \$300,000,000 of authorized river and harbor projects. I do not include any projects which were started by an order or a proclamation of the President. These are all authorized by congressional action. These are all projects which the Congress itself has said should be prosecuted to completion.

We go before the Appropriations Committee and what do we find? We find that the Army engineers have informed the committee and the Budget as to the amount of money they need to carry out this work. They need \$300,000,000. They say it will require approximately \$200,000,000 of that to prosecute that portion of the authorized projects which really ought to be done this year. And what does the Budget Director do about that? The Budget Director gives them only \$100,000,000, or one-third of the money needed to prosecute the projects already authorized by Congress. Then what does the committee do? Why it follows the Budget. So the Congress is helpless. It finds itself deprived entirely of any real authority to compel the doing of that which it has authorized and directed to be done.

I repeat that both the Rivers and Harbors Committee and the Congress of the United States have surrendered practically all of their effective jurisdiction in the field of river and harbor improvement, and have turned the whole thing over to the Board of Army Engineers and the Director of the Budget.

Mr. Chairman, I hope when this period of hysteria is over and when the Congress shall again have made up its mind really to legislate, that the matter of river and harbor improvement will be the first field in which the Congress will undertake to recapture at least a part of its surrendered jurisdiction. [Applause.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

For the payment of claims of officers, enlisted men, and nurses of the Army for private property lost, destroyed, captured, abandoned, or damaged in the military service of the United States, under the provisions of an act approved March 4, 1921 (U. S. C., title 31, secs. 218-222), \$15,000.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the only opportunity the western country will have, I believe, to express its attitude in respect of this bill.

I may say in the beginning we have the highest confidence in both the chairman of the committee and the chairman of the subcommittee. We know no finer gentlemen in this Congress, and we have great confidence in them.

There are just a few things we want to have answered, if we may, and I hope someone during the debate will answer these questions. We can see no reason why the appropriations for Army purposes should be increasing all the time. We do not see any element that calls for increased expenditures, and I want to read the expenditures for strictly Army maneuvers in this country from 1913 to 1936, as follows:

1913-----	\$108,382,063
1917-----	401,418,217
1921-----	439,485,095
1922-----	329,050,896
1924-----	250,714,592
1933-----	309,762,555
1934-----	279,122,789
1935-----	341,348,204
1936-----	374,981,521

The amount keeps increasing all the time, and we cannot see any reason why this should be true.

There is one further matter I wish to call to the attention of the House in connection with the activities that are not purely military, such as are provided for in title II of the bill.

It is my profound opinion that the nonmilitary activities of the War Department should be increased. There is no reason in the world why we should spend money for river and harbor improvement and flood control and still leave the great fortress of defense of this country open to attack. In drought and flood areas we should use a part of this appropriation to supply feed and seed and keep the factories of food in running order.

If we had war tomorrow, the first thing you gentlemen would all ask is, how are we going to feed the Army and the people at home? Food is the foundation of the defense of any country, and there has never been a war written on in the pages of human history where the preponderance of food was not on the side of the winners of the war. I say to you today, we are practically defenseless so far as that situation is concerned. Every Member of this Congress knows we have some 62,000,000 people in this country in some acute condition of distress. Last year we had 23,000,000 people on relief who had nothing. We had 20,000,000 people living on part relief and short-time work, and we had another 19,000,000 people living on mortgages on property representing their accumulations of a lifetime.

I say to you that defense of this country is necessary, and I am just as much for it as any Member of the House. My people have lived in this country since 1634, and we have been in every war, and we will be in the next war if it is necessary for the defense of this country; but I am pointing out to you that the great power of defense is not in battleships, not in the number of officers or the number of men, but the real defense of this country is the psychological condition of the minds of the people and their stores of food. [Applause.]

The Clerk read as follows:

QUARTERMASTER CORPS

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, and to enlisted men when stationed at places where rations in kind cannot be economically issued.

including retired enlisted men when ordered to active duty. For payment of the regulation allowance of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, \$25,693,741, and, in addition, \$501,714 of the appropriation "Pay of the Army, 1936", which shall remain available until June 30, 1937: *Provided*, That none of the money appropriated in this act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable.

Mr. CARPENTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and Members of the Committee, Fort Riley, Kans., is in my congressional district, and naturally people interested in this military post look to me to represent them in connection with the Army affairs that affect Fort Riley.

Fort Riley is the principal Cavalry school of the Army. I am very pleased to note the action of the Committee in giving more consideration to the place that the horse takes in the present Army set-up and in any war that we may have.

I want to direct the attention of the Committee to the speech of Major General Parker, that appears in the CONGRESSIONAL RECORD of February 7, placed there by Senator LOGAN. He says:

It is frequently stated in public discussions in the press that the horse is no longer an important factor in war. In fact, his complete disappearance from the battlefield of the future is predicted by some people. Such critics generally refer to the World War for confirmation of their opinion.

Actually the World War brought out the fact that the horse has never been so useful in war as he is now. This is true not only of the cavalry horse but of the artillery horse, the horses and mules used in Signal Corps reel carts and pack reels, and the horses and mules used by the supply services for wagon and pack transportation, as well as the pack animals used for pack, artillery, and machine guns. In all of these uses the horse and mule are more dependable than any machine for bringing supplies up close to the front lines.

He also quotes General Summerall:

That there has been a great deal of misinformation broadcast relative to the Cavalry. It is a fact that cavalry is of far more importance than it ever has been.

I want to call further attention to a statement by General Bash, in answer to a question by the gentleman from Pennsylvania [Mr. SNYDER], which can be found on page 221 of the hearings, in which General Bash says:

But we do find unfortunately for economy that there are many places and many circumstances in which the four-legged animal will get you there when the motor will bog.

The valuation of Fort Riley is approximately \$12,000,000, principally represented in buildings.

Now, I rose not to make a speech but to get some information. I would like to know if the appropriation for the repair and maintenance at Fort Riley has been reduced in this bill—Fort Riley and other posts.

Mr. PARKS. The allocation of the appropriation for repairs at military posts is about \$250,000 less than is available this year.

Mr. CARPENTER. A few years ago when we were not appropriating as much as we are in this bill for the War Department, better than \$3,000,000 was provided in the appropriation for repairs and maintenance of military posts. Fort Riley alone was given more than \$300,000. I cannot understand, when we have before us the largest appropriation bill we have ever had, why we should not have a larger appropriation for repair and maintenance of our military posts in this country.

Mr. PARKS. We have been appropriating money for repairs and maintenance year after year, and we figured that the repairs would be enduring, and there has been a good deal of money allotted from relief agencies. I have been at most of the posts and I can understand how people feel about their housing, but it is a question of money. But let me say

this to their everlasting credit: When you talk to men at these posts where the housing situation is so bad, they say that if they cannot get the money they will take their guns and equipment and will put up with the present housing.

The morale is magnificent. Every man who has seen actual conditions wants to give our Army people houses fit to live in. It is just a question of money and priority, and every one of these men who came before us, and I brought them from as far away as Hawaii, said, "We will put up with our housing, but give us something for national defense above houses."

Mr. CARPENTER. Mr. Chairman, I thank the gentleman from Arkansas for this information.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CARPENTER. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARPENTER. Mr. Chairman, we have a certain civilian force at Fort Riley, and that is true in other posts in the country, who are trained to do this repair work. The situation at Fort Riley has been that there was not means to keep the ordinary repair force at work. During the last year or two a part of the force has worked for 1 month, and then has been laid off the following month, and the other half of the force has been employed. In other words, they have been employed half the time. I believe it would be a movement toward economy to have a trained force there at all times. I appreciate the fact that we are getting some relief funds for this repair work. I think the chairman promised us that on the floor last year, and that relief money has come. Yet we still have the question of civilian employees under civil service, and they feel that they are unfairly treated.

In conclusion, I thank the committee for their consideration of the horse, and I am pleased that they appreciate the fact that the horse is so important in connection with the Army and with warfare.

Almost everyone likes horses. There is something about a horse that always excites your interest and admiration, and of all the Army's peacetime activities the most popular one is the horse show. Wherever the Army may go, or in what undertaking it may be engaged the horse will make it more friends than most anything else. It would be well for the General Staff to bear in mind that if they desire to keep the warm contact that is most desirable with the civilians, they can do it as well through the horse as any other attempt. Especially in rural communities, where the people are not particularly favorable to large appropriations for the Army or the Navy, or interested in other undertakings of our military forces, they will turn out whenever the Cavalry comes in their neighborhood to take part in the county fairs or other local enterprises.

The Clerk read as follows:

Army transportation: For transportation of Army supplies; of authorized baggage, including packing and crating; of horse equipment; and of funds for the Army; for transportation on Army vessels, notwithstanding the provisions of other law, of privately owned automobiles of Regular Army personnel upon change of station; for the purchase or construction, not to exceed \$786,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriage; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for hire of draft and pack animals; for travel allowances to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901 (U. S. C., title 10, sec. 751), and to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922 (U. S. C., title 10, sec. 752), and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, \$12,139,083, of which amount not exceeding \$250,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1937: *Provided*, That not to exceed \$1,000,000 of this appropriation shall be available for the purchase or exchange of motor-propelled passenger-carrying vehicles

and motor-propelled trucks, including trucks of the reconnaissance or station wagon type, of which amount not to exceed \$146,000 may be expended for the purchase of light and medium passenger-carrying automobiles at a unit cost of not to exceed \$750 for light automobiles and \$1,200 for medium automobiles, including the value of any vehicle exchanged, and not to exceed \$90,000 may be expended for the purchase or exchange of motor-propelled ambulances and motorcycles: *Provided further*, That no appropriation contained in this act shall be available for any expense of any character, other than as may be incident to salvaging or scrapping, on account of any motor-propelled vehicle procured prior to January 1, 1920, except tanks, tractors, ambulances, fire trucks, searchlight trucks, 390 modernized class B trucks, and vehicles in use by Reserve Officers' Training Corps units on February 19, 1935: *Provided further*, That during the fiscal year 1937 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word. I make no pretense to knowing anything about military tactics or strategy. I would much prefer to place my confidence in the committee, but I do not believe that I can be expected on 1 year's service here to say that the committee is exactly right, and, therefore, that their judgment is mine. Perhaps after I have been here longer I can do that. I shall have to see the committee in action for a longer time before I can always rely on their good judgment.

It seems to me that this bill has a pretty good-sized appropriation. It looks like a lot of money. Maybe it is necessary and then, again, perhaps it is not. I do not want it ever to be said that opposition of mine to national defense or opposition to a bill of this kind left the United States in a position where it was not able to defend itself against encroachment, against some offensive by a foreign country. Neither do I want it ever said that I favored a bill or voted for a bill to build up a military organization that became so large or so strong that, due to somebody's whim or due to some incident that might occur abroad, it carried American soldiers again outside the borders of our country. If we are building for national defense, as I understand it, it is to keep some foreign country from coming over here. When does a military, or, for that matter, a naval establishment, cease to be a defensive weapon and become an offensive weapon? I have heard that question argued by a lot of different people.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Oh, I have just a moment. I am not attempting to batter down anything, but I want to express my opinion. I know that if a country begins to attack us, it is probably necessary for us to meet that offense before it arrives, but how far out should we go in order to meet the offense? When do we know when an offense is going to be started, or can we figure, perhaps, when one is going to be started? It may be that this is all being built up for a purpose. It may be that something is going on in the world that I do not know anything about. It may be that other gentlemen do know what is going on that some of us have not yet seen. I think that if such conditions are developing, that perhaps some of the departments of the Government know about, we should be informed of them so that we can go along better, knowing why these things are being done.

There is a vague possibility that somebody, maybe the Army or an Army officer or a Navy group, perhaps somebody in a patriotic society, outside of the Army, is doing the stirring up that is leading us to prepare on a much larger scale than we have ever prepared before. In connection with that may I call attention to an editorial that appears in the Washington Daily News? I do not know whether it is going to be all right with those who are here, but noting certain absences I suppose it will be all right for me to quote from the Daily News. I do not know whether it is always mistaken or not. The editorial is entitled "Who's in the Wood Pile?" and reads as follows:

WHO'S IN THE WOOD PILE?

Senator TYDINGS read in the newspapers that Secretary of War Dern was "not especially interested" in the Tydings-McCormack military disaffection bill.

That being true, the Senator wrote in a letter to the Secretary, "Neither am I, who originally introduced the measure."

This affords an interesting sidelight on how our laws are made. Somebody representing the Navy Department handed the bill to the Senator and told him the War and Navy Departments wanted it passed. So the Senator introduced it. And in due course, when no one especially was paying attention, the bill was passed by the Senate and sent to the House where, fortunately, it still rests. Now the Senator finds that the head of one of the military establishments is not interested in the measure, and apparently never has been. So the Senator withdraws his support from the bill. So far as that branch of Congress where he sits is concerned, the Senator closes the barn door after the horse has been stolen.

We suggest that the Senator, who has been made the goat, pursue this interesting matter further and find out just who is back of this measure which would make it a penal offense to criticize the Army or Navy.

Is it the proposal of some group of swivel-chair military and naval attachés who have been so unmindful of military rules as to mix into the politics of lawmaking? Or, perhaps, some officers who think they need something more than autocratic military authority over subordinates to maintain discipline in the ranks? Or is it just the product of some executive secretary of a super-patriotic society who has to manufacture red scares to keep his job?

Let's find out who it is that is so eager to court-martial civilian speech.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. McCORMACK. Does the gentleman himself believe that the bill does that?

Mr. SCOTT. Oh, no; but I believe that there are some dangerous implications in the bill, and that it would be better left unenacted than it would be to enact it.

Mr. McCORMACK. I respect the gentleman's views, and I appreciate his personal intellectual honesty and frankness in admitting that he does not personally think that the phraseology of the bill accomplishes what some people believe they see.

Mr. SCOTT. Some of those who attack the bill are often led to exaggeration, just as some of those who rush to your support.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

HORSES, DRAFT AND PACK ANIMALS

For the purchase of draft and pack animals and horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including \$72,155 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), \$681,337.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the sign and figure "\$681,337."

I do so only for the purpose of seeking a little enlightenment from the committee.

It is my understanding that a few years ago we had approximately 40,000 horses in Uncle Sam's Army, and that the total number is now somewhere in the neighborhood of 20,000. Along with that I have read very carefully the annual statement of the Chief of Staff, in which he places a great deal of emphasis upon motorization and mechanization of various units of the Army. I read the testimony of General Bash in the hearings, which is much along the same line. Then I was quite intrigued by the incident of Gen. Paul B. Malone's tactical problem at Puget Sound, where he indicated what could be done through the agency of motorization. I appreciate from all this that there has been a definite tendency in the direction of mechanization of various units, like the Light Artillery and the Cavalry, and I am wondering what the policy of the Appropriations Committee and of the Army is going to be. One can readily recognize that the Appropriations Committee, in its attitude on the matter of horses, can very well determine whether we are going to carry this principle of mechanization to such an extent that ultimately we are going to have very few horses, very few Cavalry units, and a very few horse-drawn Light Artillery units in the Army. It is quite in line with the discussion that is heard at the present time, which places great emphasis upon the fact that horses will ultimately

disappear from the Army. At one time I was rather intrigued with that idea, having served in the Light Artillery in France during the World War. It has been my pleasure and opportunity to be an officer in a Light Artillery battery. I know what it was to use horses that were so badly burned with chlorine and mustard gas that we could not use them. I have seen lead, swing, and wheel teams taken out into the mud in France and whipped until they broke tendons and fell down in the mud and had to be shot because they could not draw the caissons, the limbers, and the guns into position.

I came to the rather casual conclusion at that time that the horse was on the way to extinction in the Army. But I have some doubts about it now on further examination. In an address made by General Parker in 1930 to the Horse and Mule Association of America he said that the cavalry is, after all, here to stay, and gave some rather glowing examples from the experiences of the French Army during the World War. He also cited the expedition of General Allenby. He mentioned also the cavalry experiences in Macedonia, and then quoted from some of our military leaders. I would like to read into the Record at this time what General Pershing said about the cavalry now and in the future.

Gen. John J. Pershing said:

There is not in the world today an officer of distinction, recognized as an authority on military matters in a broad way, who does not declare with emphasis that cavalry is as important today as it ever was.

Marshal Foch said:

On the Western Front, cavalry especially participated in the defensive battles where they were engaged at the most difficult moments; here the large cavalry units, thanks to their own mobility, were able to intervene in time, and to bring the precious assistance of their fire to the weak points of the defense.

General Summerall said:

There has been a great deal of misinformation broadcast relative to the cavalry. It is a fact that cavalry is of far more importance than it ever has been.

Now, the particular question is, Has the committee, in conjunction with the War Department, determined upon some kind of a settled policy that will ultimately mean the extinction of horse-drawn vehicles and light artillery, and the reduction of the Cavalry to the so-called irreducible minimum? May I have an answer to that?

Mr. PARKS. I may state to the gentleman that we believe the number of Cavalry horses really has become standardized. About the only thing we are doing is to provide for replacing those that are getting too old or that may die. I think it is the policy of the War Department that we cannot entirely get along without cavalry. We must maintain about what we have now, both in the National Guard and in the Regular Army, which is about 25,000. We are appropriating this year, I think, about \$600,000. That simply will provide replacements.

Of course, the gentleman knows that if he ever talks to a Cavalry officer and tells him he wants to do away with horses entirely, he wants to be out of arm's length, because he just will not stand for it. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word. I would like to ask why we are spending so much for nonmilitary activities? There is an increase here of \$97,000,000.

Mr. PARKS. Mr. Chairman, may I say to the gentleman from Minnesota that when we reach title II of the bill, dealing with nonmilitary activities, we shall probably have a good deal of discussion. The matter referred to by the gentleman from Minnesota properly comes under the second title of the bill, and a lot of the money will be spent pretty close to Minnesota.

Mr. KNUTSON. I do not care where it goes to; I am interested in seeing it cut down to the lowest possible point.

Mr. PARKS. We have taken out \$29,000,000, and I hope the gentleman will support us.

Mr. KNUTSON. I may say to the gentleman from Arkansas that I do not care where the money is going to be expended; my interest is in seeing the expenditures kept down.

Mr. PARKS. Then I am sure we may count upon the gentleman's support.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. FITZPATRICK. All of these projects were authorized by Congress.

Mr. PARKS. All of the projects included in the bill have been authorized.

Mr. KNUTSON. That does not endow them with sanctity.

Mr. FITZPATRICK. The gentleman voted for them.

Mr. KNUTSON. How does the gentleman know? It is my recollection that I did not.

The Clerk read as follows:

SIGNAL CORPS

SIGNAL SERVICE OF THE ARMY

Telegraph and telephone systems; Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motorcycles, motor-driven, and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting the local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment, and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control, and direction apparatus, and material for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development, or improvements in apparatus, and maintenance of signal and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, \$5,282,556.

Mr. McSWAIN. Mr. Chairman, I move to strike out the sign and figures at the end of the paragraph.

Mr. Chairman, the next section deals with the Air Corps, and I desire to be heard very briefly in the presentation of some general considerations in regard to this arm of national defense. I suppose the question of air power has been studied as much by the military authorities of this country, whether the operation has been military or civilian, as any other question. The views of the 14 or 15 different boards studying the question were finally concentrated in the conclusions of the Morrow Board, which filed its report in 1926, although it did its work largely in 1925. It was a very able board indeed. This Board finally fixed the ratio between Army and Navy air forces at 10 to 18, 10 for the Navy and 18 for the Army. Subsequently Congress authorized an increase of naval aircraft from 1,000 to 2,190, or practically 2,200, whereas the Army authorization still remains at 1,800. If the ratio were observed, then the Army would have now, today, an authorization of practically 4,000, because as 10 is to 18 so 22 is to 40, by the old rule of 3; and I want to announce that I have today dropped in the basket a bill that will authorize—if it becomes law, and I trust it will at this session—a total of 4,000 planes for the Army, carrying out

the ratio fixed by the Morrow Board. This bill, by the way, is word for word the bill drawn by the War Department for consideration of the Seventy-third Congress, except I have increased the number of planes to 4,000; otherwise it is identically the bill prepared by the War Department.

I want to impress this fact, if I may: That undoubtedly all who think seriously upon the question realize that the first line of defense is the air. We have become accustomed to talk about the Navy as the first line of defense. Before there was an airplane the Navy was indeed the first line of defense, but now it is the air; and it does not make any difference whether the aircraft is operating from a base on shore or the deck of a carrier, the first conflict, the first collision between hostile forces, will be in the air, and probably this first collision will be decisive for the reason that whoever gets control of the air, of the heights above us, will certainly control everything underneath, whether it be on water or on land.

The British Navy made a gesture that she was going to stop the Italian transports going through the canal to Ethiopia; but when the Italian Government announced that there were 125 pilots who had dedicated their lives to the defense of Italy, who said, "We will not be doing a little polite flying around trying to hit the ship below, but we will deliver our 2,000 or more pounds of explosives ourselves with the plane in which we ride"—when it was realized that they would give their lives to stop the concentration of British ships at the Suez Canal, the Mediterranean fleet scattered to the remote regions of that sea. This is the truth; and why should not 125 or 1,000 or 2,000 pilots give their lives in this way to save their country, rather than lose—as were lost in some engagements—10,000 infantrymen in a day, giving their lives for their country's cause?

[Here the gavel fell.]

By unanimous consent, the pro-forma amendment was withdrawn.

The Clerk read as follows:

AIR CORPS

AIR CORPS, ARMY

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; for travel of officers of the Air Corps by air in connection with the administration of this appropriation, including the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees as may be necessary; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of airplanes, autogiros, and balloons, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent; for the purchase, manufacture, and construction of airplanes and balloons, including instruments and appliances of every sort and description necessary for the operation, construction (airplanes and balloons), or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 a day for not exceeding 50 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and oper-

ation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft; for settlement of claims (not exceeding \$250 each) for damage to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War, \$59,397,714: *Provided*, That \$10,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1936, for supplying helium; and not less than \$41,055,925 (including \$7,686,753 for the payment of obligations incurred under the contract authorization for these purposes carried in the War Department Appropriation Act for the fiscal year 1936), shall be expended for the production or purchase of new airplanes and their equipment and accessories, of which \$29,322,602 shall be available exclusively for combat airplanes, their equipment and accessories: *Provided further*, That in addition to the amounts herein provided for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes, the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1937, for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes (including radio and armament) to an amount not in excess of \$10,669,786, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That no part of this or any other appropriation contained in this act shall be available for any expense incident to the use of Crissy Field, Calif., as an air station, or for any structural improvements or the installation of any new equipment not of a removable character at Chanute Field, Ill.: *Provided further*, That no available appropriation shall be used upon lighter-than-air craft, other than balloons, not in condition for safe operation on June 30, 1936, or that may become in such condition prior to July 1, 1937: *Provided further*, That the sum of \$30,000 of the appropriation for Air Corps, Army, fiscal year 1933, and the sum of \$450,000 of the appropriation for Air Corps, Army, fiscal year 1934, shall remain available until June 30, 1937, for the payment of obligations incurred under contracts executed prior to July 1, 1934.

Mr. MEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is not my purpose to present an amendment at this time, but I rise to call the attention of the Committee, and particularly the chairman of the subcommittee, the gentleman from Arkansas, and the chairman of the legislative committee, the gentleman from South Carolina, to a matter which I think is of vital importance to our national defense.

We are appropriating in the neighborhood of \$100,000,000 this year for aviation, both military and civil. If we increased this appropriation by \$500,000, we could give military training to a thousand additional pilots. This would give us as good and capable a corps of pilots as is to be found in any country on earth. In this bill we are appropriating \$59,397,000 for the Air Corps and its various activities; \$45,540,000 of this is for new planes. The Army now has 1,271 ships, 983 pilots, plus 244 of the Reserve Corps on active duty. Last year the Army flew nearly 46,000,000 miles.

For the Air Mail Transport Service we are appropriating \$12,000,000 in 1937. We receive back a revenue of approximately \$7,000,000 from this Service. We have 500 ships in domestic and foreign Air Mail Service and approximately 1,000 pilots. Our domestic ships last year flew more than 55,000,000 miles. That includes all the scheduled services in the country, both air mail and otherwise. Over 30,000,000 miles was scheduled air-mail mileage. This entailed a cost to the Government of only \$8,800,000. In 1935 the Army Air Corps cost the Government \$28,000,000. To this may be added the cost of the Naval Air Corps.

If we could arrange it so that pilots who fly the mail could leave their work for a month and be attached to the active Air Reserves with pay, those pilots would augment the military personnel we now have. They would increase the number 75 or 100 percent and would give us the very best personnel possible for aviation. Many of these men saw World War service. Many of them are graduates from Kelly Field. Many of them have aided in the development of equipment and instruments which have increased the efficiency and safety of flying both in and outside of the Army. Much of the development in aviation has taken place in civil aviation. The evidence left with our committee proves conclusively that these men would be very helpful in time of

war. Not only that, but the large modern passenger ships of today would be useful as bombing planes. The information furnished our committee by expert pilots is that the modern transport plane is suitable for bombing work and would require but little conversion. It is built along the same lines as the bomber. The passenger compartment could be utilized for carrying bombs and fuel for long-distance flying. Bomb racks could be built beneath the plane. The pilots on transport lines are accustomed to flying long distances, and particularly at night. It seems to me that we ought to establish a school for our air-mail pilots. We ought to train those men in the art of military flying, and we could do it with a minimum appropriation, adding another thousand pilots to the Army Air Corps and improving our national defense.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOBBINS. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Illinois.

Mr. DOBBINS. Has the gentleman from New York made inquiry as to the adaptability of our transport planes for bombing purposes in time of war?

Mr. MEAD. Mr. Behncke, who is president of the Air Line Pilots' Association, and an air-line pilot as well as a war-time pilot, made this statement:

I have had Army service and am particularly familiar with the bombers. The type of ship used in transport work today would be the most natural to develop for military use, because the whole air line set-up fits into the bombing end of the picture—night flying, flying through all kinds of weather, flying on schedule, familiarity with radio; the pilots could reach their objective, regardless of obstacles.

Mr. Chairman, we are training our pilots to fly in all kinds of weather and in all zones. We have them in the arctic region. We have them in the tropics. We have them flying over the oceans and over our mountainous terrain. It seems to me we are depriving ourselves of a very valuable asset, and one that might prove as helpful as anything we are doing today in the matter of appropriating for the Air Corps, by not giving them some military training. We should establish a school and a reserve corps so that these men who fly in our domestic transport service could become part of the Army personnel.

[Here the gavel fell.]

Mr. DOBBINS. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DOBBINS: On page 35, line 17, after the word "station", strike out "or the installation of any new equipment not of a removable character at Chanute Field, Ill."

Mr. DOBBINS. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes upon this amendment.

Mr. PARKS. This is a matter in which the gentleman is particularly interested?

Mr. DOBBINS. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DOBBINS. Mr. Chairman, the matter upon which I propose to address you and to which the amendment I have offered relates is not a matter involved in any of the controversies that have taken place upon the floor of the House so far in the consideration of this bill. It is not a question which either increases or diminishes the amount of appropriations to be made for military activities in the ensuing year. It does, however, concern the national defense. It concerns the welfare of our Army—and when I say "our Army" I do not mean merely the officers of the Army. It concerns the welfare of the enlisted men of the Army, and, last but not least, it concerns the State of Illinois and the district I represent.

The words which would be stricken out of the bill, as proposed by the amendment, are those words which restrict

the expenditure of some \$10,000,000, or, rather, forbids the expenditure of any of that money at Chanute Field, Ill. Chanute Field, as a military flying post, was established during the World War and has been continued for the last 10 or 15 years as the site of the Air Corps Technical School. The amendment I have offered, if adopted, will strike out a clause that may well be held to prejudice the case of whether or not this school should be removed from its present location, a matter that has been under consideration and the subject of peculiarly varying opinion in the Army for several years.

The objections that may be made to the words which I would strike out by the amendment may be classified under three different headings. In the first place, the amendment is not necessary; in the second place, it is not wise; and in the third place, it seeks to prejudice a case that is now under consideration in the Committee on Military Affairs of this House with respect to a bill that has been offered, the purpose of which is to remove this school from its present location. I say it is not necessary, and I say that with the utmost sincerity. I can prove it in a very few words. This Congress appropriated for the improvement of that school some 3 or 4 years ago over \$1,000,000 for permanent improvements there. Although this was the will of the Congress thus expressed, the high hats of the Army did not carry out the will of the Congress and did not make the improvements they were directed to make by the appropriation.

They are opposed to this location. They are opposed to it—and I say this upon my own responsibility as a Member of this body—because they feel it does not offer enough in the way of social or recreational advantages. Perhaps there is not enough "wine, women, and song" at Chanute Field to suit some of the officers of the Army, and, therefore, they want to remove it to some place more attractive in the way of recreational and social features.

A few years ago they wanted to move this school to Dayton, Ohio. That was what they wanted to do when they would not spend the appropriation I mentioned. Now they come in with a report of an investigation made by three officers, and they say they do not want Dayton at all; it is regarded as wholly unsuitable. An even larger city is favored as a location for the school.

It is just as unnecessary to put this limitation in this bill so far as the War Department is concerned, in the light of our past experience, as it would be to pass a law prohibiting the American Liberty League from making a contribution to aid in the reelection of Franklin D. Roosevelt.

It would not do to prejudice this case. It would be just like granting a preliminary injunction without having any hearing upon it, and the hearings before the Appropriations Committee upon the subject were extremely brief. All they amounted to was a statement that a special board, appointed by the Air Corps, had recommended that this school be transferred and, therefore, the statement was reluctantly wrung from General Westover that because this special board had recommended it, therefore, the Army was back of it. Inquiry was made of him as to why it should not be transferred to some other established field, and the Wright Field at Dayton was mentioned. The reply was made that the same objection existed to Wright Field as existed to Chanute Field—that there is not an opportunity there for a large bombing area.

I may say, for the benefit of the gentleman from Ohio [Mr. BOLTON], a very respected member of your committee, upon this question, that they wanted to move this field when they did not think of any bombing field, and they wanted to move it to Dayton only last year. At Chanute Field, when they were making their so-called investigation, an inquiry was made of the chairman of the special board as to how much additional territory at that field the Army would need for a bombing field, and he said "one-half a square mile." That was his reply, and that was all of the investigation that was made at Rantoul as to the availability of a site. He was told that it could be easily procured adjoining the field, at a very moderate cost.

The expert at Chanute Field on the question of armament and bombing made a careful and thorough written statement, included in the report which was filed by the Yount board, which investigated this matter, and that statement is direct and positive in its assertion that an adequate field and a desirable field would be one about 5 by 9 miles in area, or a total of 45 square miles.

This statement and assertion the Yount report does not even mention; but they went to another location that attracted them, where out in the nearby wastes 100 square miles could be obtained, and so this board comes in upon the strength of that and says that nothing short of 100 miles would be suitable for a bombing area. It is the same old story of framing your specifications to include only what you desire to purchase.

This field ought not to be moved. All this is a ground school. Why, Colonel Yount, the man who brought in the report, was asked by members of our Military Affairs Committee how much time was devoted only to ground instruction at the school, and he said he did not know. He was then asked if it was as much as 75 percent, and he said he did not know. He was asked if it was as much as 90 percent, and he said he did not know. Yet, in the data he brought back to the Secretary of War, which he claimed he had carefully reviewed, and which is now before this Congress, is the clear and explicit information that less than 1 percent of the instruction at this Air Corps Technical School is conducted in the air.

The board advances the baseless argument that the climate is not right at Rantoul, Ill., for flying, and they say only 25 percent of the flying instructions could be carried out because of climatic conditions. This we would naturally understand as meaning that 75 percent of the time out there in Illinois you cannot fly because of bad weather. Well, that is simply not true; that is all there is to that. If anyone feels he should not take my word for it, then take the word and the experience of the air transport companies. Four of the great air-mail lines of this country pass on four sides of Chanute Field, and a report of the fine record they made in maintaining their established flight schedules in 1935 was made available to every Member of this Congress, in statistical table no. 44, appended to the 1935 Annual Report of the Postmaster General. These four lines, the United Air Lines, Transcontinental & Western Air, the Chicago & Southern, and the North American Aviation, running from New York to San Francisco, from New York to Los Angeles via Indianapolis and St. Louis, from Chicago to New Orleans, and from Chicago to Miami, pass on the four sides of this field within an average distance of less than 75 miles, and in 1935 they completed 94.27 percent of their flying schedules.

Now, are you going to act upon unreliable information and statistics of the character the Yount Board puts out as facts and substitute for our deliberative authority here as Members of Congress in a legislative question of this kind, the so-called expert opinion of any such board as that?

How did they arrive at their absurd conclusion that only 25 percent of the flying instruction could be carried out at Chanute Field on account of climatic conditions? Simply by distorting the evidence upon the question. When you go back to the typewritten reports constituting the evidence that they brought in upon this question you will find a statement by an instructor at the school which says, after outlining what is desirable in the way of flying instructions, that as a matter of fact only 25 percent of such instruction could be carried out because of three specifically enumerated factors, namely, climatic conditions, want of personnel, and want of ships. If they had the most ideal weather in the world, because of these last two controlling factors they could not have carried out more than 25 percent of their flying missions. Yet in an effort to besmirch this location and to move some of their fellow officers, who are the only ones discontented, to some more attractive location, they come in here and willfully misquote and distort the evidence.

Mr. Chairman, I could go through the evidence they brought here and point out page after page of the same kind of testimony—15 or more instances of unsupported or

grossly distorted prejudicial statements upon the question. We should not act upon important matters of this kind on that character of advice.

Why, the enlisted men and the students at the school are contented. They like it; but here come the officers before a board and say, "We are not concerned about ourselves; we can go out and find what we want, but we are interested in the morale of the enlisted men, and for their sake we want to move this field to another location where recreational opportunities are more plentiful than they are in this little town", which by the way, is within 15 miles of the site of the University of Illinois, within 15 miles by a broad, hard-surfaced road, with good railroad and bus connections, an enlightened community of 40,000 people, and with a student and instructional personnel increasing that number to 50,000; and the town of Rantoul immediately adjoining the field where this school is located is a town of 1,500 or 2,000 inhabitants. But when you read the evidence transcribed and brought here from Chanute Field by the three members of this board who are so deeply concerned about how the enlisted man shall enjoy himself, you will find hundreds of pages of testimony by the officers at this post and not one single line by any enlisted man or any student there.

Now, the same report they bring before you shows that the fatal accidents in military aviation have decreased some 25 percent from what they were the year before.

My colleagues, I am going to ask you to vote for this amendment and that you do not prejudice this case in its pending consideration by the Military Affairs Committee of the House.

That special board, in its report, tells how awfully hot it is at Chanute Field, saying the thermometer goes above 90° 60 days in a year. It happens that nearly all my life I have lived within 15 miles of Rantoul and I never knew any such weather. I looked into it and learned that the average yearly number of such days is much less than half of that—only 23 days a year, in fact—and the highest number in any year was 44.

Oh, they say it was an unintentional mistake. They have 15 such "unintentional" mistakes. They said they did not know that the Signal Corps collected and preserved this climatic record at Chanute Field, so they went to some distant Weather Bureau station for it. Besides they said the readings of the thermometer at Chanute Field were made by privates, and implied that these readings of the temperature were not trustworthy because they were made by mere privates in the Army. Let me say, in passing, that no one can get into that technical school unless he is a high-school graduate, and that there is a waiting list of bright, hopeful applicants numbering over a thousand.

Do they not know that the readings of the Weather Bureau are made by men, some of whom get only from \$5 to \$10 a month? My opinion is that privates in the Army can be trusted to make thermometer readings just as well as the observers of the Weather Bureau.

This field is located in the right place now.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. DOBBINS. Yes.

Mr. POWERS. Has the gentleman any record of the number of flying days per year at Chanute Field or the vicinity of the field?

Mr. DOBBINS. I have a record of the number of days when the weather has been unfit for flying, the number of days when it has been cloudy, and the number of days when it has been partly cloudy, as compared with the proposed location.

Mr. POWERS. Where is the proposed location?

Mr. DOBBINS. I have not mentioned it, and I do not care to be drawn into any issue as between one location and another. I would rather have it determined upon the question of whether the existing site is a suitable one.

Mr. POWERS. I wish the gentleman would put into the Record the number of flying days per year available at Chanute Field over the past 10-year period.

Mr. DOBBINS. I am willing to take the figures on these matters which are susceptible of reduction to absolute and exact calculation, but I do not intend to take figures which

embrace any conclusion on the part of these officers as to what is suitable or as to what is not suitable, because I have shown you what sort of conclusions they reach in the matter and how they distort the figures.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DOBBINS. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOBBINS. Mr. Chairman, there is just one other thing that I want to say with reference to this matter. I am not going into all of the controversies upon where the field ought to be or where it may be, but I will say that there was submitted to the Secretary of War by the Yount Board, and by the Secretary transmitted to the Military Affairs Committee, a prospectus of a favored location for this field near a city of some three or four hundred thousand inhabitants. The prospectus was gotten out by the chamber of commerce of that city and showed alluring pictures of the attractions of that area. I well remember one picture shown, which attracted my attention when I first saw it 25 or 30 years ago. It was a picture of two beautiful young ladies sitting on a log by a lakeside. I went out to this location some 25 or 30 years ago, attracted by the same sort of alluring pictures. I think I then saw the log where the ladies had been photographed many years before, but they were gone.

Perhaps the officers of our Army may show a disposition to fall for that sort of thing, but the men at that fine school are more concerned with what they go there to learn. More than three-quarters of the students—nearly four-fifths of them at that location—come from States in the longitude of Chanute Field or east of there; and yet it is proposed to move the school a thousand miles to the West. These young men pay their own way to the school, and in minimizing the importance of locating the school near the center of the area of enlistment the Yount report comes back with this: "Well, they pay their own way to the school, so it does not make much difference. These students pay for their own transportation wherever they go." There are five or six hundred students at that school, and in times when it operates to full capacity there are a thousand. It means something to these young men who are interested in mechanics, who go there for the purpose of studying and perfecting their mechanical skill, how far they have to pay their own way to go to school. The quartermaster supply point for this field is in Chicago, within 110 miles of the present location of the field, and supplies would continue to have to be shipped from there a thousand miles farther west if it were moved to a location that far away. Colonel Yount was unable to inform your committee what the annual increase in this item of expense would be in the event of the school's removal. Evidently he had given this important question no thought at all.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DOBBINS. Yes.

Mr. MAY. According to the testimony before our committee, it was shown that at least 90 percent of the activities of these students were in mechanical matters on the ground, and only 10 percent in flying.

Mr. DOBBINS. That was the testimony. He would not say it was as little as 10 percent, or even less than 25 percent. As a matter of fact, the testimony before his board, submitted to the Secretary of War, and which was laid before your committee, shows that in a 24-week course there are exactly 10 hours of flying instruction, which means less than 1 percent. Grudgingly the colonel admitted that it might be as little as 10 percent, when, as a matter of fact, it was only 1 percent. He came within one-tenth of the truth on that matter; but as to the amount of land required for a machine-gun range and bombing area, he missed his own subsequent dictum 99½ percent. He told the committee at Chanute Field that half a square mile was all that was needed for that. I do not see how any officer connected with the air force of any army could imagine half a square mile would be enough for a machine-gun range and bombing area. That is the sort

of superficial investigation that supports the request that Congress move this field 1,000 miles away, to a place where we can raise a lot of he-men to be mollicoddles instead of the army of fighting men that we want to uphold our national defense.

In conclusion I say with all of the conviction that comes from a long and earnest study of this question, that this school should be located where we have the average conditions under which our future wars are likely to be fought, and as nearly as that can be forecast under the limitations of human foresight, it is in that location now. [Applause.]

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKS. Mr. Chairman, I do not want to take 10 minutes' time. The gentleman from Illinois is laboring under a misapprehension. I appreciate his feeling about this matter and that is why I was glad that he might have the extra time. The language in this appropriation bill does not abolish this field, it really does not affect his field in any way whatever. He may just as well make up his mind to the fact that the struggle for years and years to get rid of Chanute Field is sooner or later going to come to a head.

All in the world this bill provides for is that none of this money shall be spent for permanent improvements. If that language were not in there, they could go out and spend large sums upon improvements of a permanent character. The housing at that field, I have been advised, is about ready to fall down. I dare say there is not a building on it but what should be removed and rebuilt, if you are going to stay there. A bill has passed the Senate which provides for establishing another field in place of this field out in Colorado. I was not enthusiastic about that.

I thought I had in mind a place that was much better suited for a technical training field than was Chanute Field or any other place in the United States. A board was appointed. Of course, the board went out and visited Chanute Field. Then they went out and visited other fields, including the place I had in mind, and when I discussed with them my ideal location they said to me, "Why, they cannot see to fly out there", and this, that, and the other, and they finally convinced me I was wrong. Then I said, "Why do you want to leave Chanute Field? Why not rebuild?" The board said they had gone into that matter time and time again, and they thought it would be a very unwise thing to continue this field at Chanute.

Of course, as far as this bill is concerned, it does not make any great difference whether the language stays in or goes out, but without this language they would be free to expend money on projects of a permanent character.

Mr. DOBBINS. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. DOBBINS. Why does the gentleman fear the Army would put permanent improvements there when they are not directed to do it by the Congress, when they failed to do it after we provided for those improvements?

Mr. PARKS. I do not know whether they would or not. With this legislation pending I am confident they would not. Our limitation is merely a precautionary measure. They are not precluded under the bill we have presented from maintaining the existing buildings at Chanute Field until they could make ready for the activity out at Denver.

I am not going to discuss the question of the advisability of going to Denver. I am not going to tell you they have offered a tract 10 miles square for a bombing field there without cost to the Government. That is a matter at this stage without the province of this committee. However, there is today pending before the Committee on Military Affairs, a legislative committee of this House, this bill which

was passed by the Senate, that provides for removing the Air Corps activities at Chanute Field out to a new site at Denver. The gentleman from Illinois [Mr. DOBBINS] is unnecessarily exorcised about the language in this bill. It does not do anything in the world to you except forbid you putting permanent improvements there until the bill which passed the Senate has either been killed or passed.

Mr. McSWAIN. It is going to be decided one way or the other a week from today. It has already been set.

Mr. PARKS. I am glad to hear that.

Mr. DOBBINS. Is the chairman of the subcommittee on War Department appropriations afraid that the War Department will change its mind and spend in the next week an appropriation that does not become available until July 1 next?

Mr. PARKS. Not at all; but this bill will either be passed or killed. The speech which the gentleman from Illinois made will be the kind of a speech to make when that bill comes here from the Committee on Military Affairs. All we are doing is to provide that whatever may happen, you cannot take a dollar of this money and put it into permanent improvements. Who should object to that? If you succeed in defeating that bill, then the War Department can come back within the next year for funds if they have to rebuild this field.

Mr. DOBBINS. Suppose we do succeed in defeating that bill, and I think we shall, here is a permanent appropriation bill making appropriation for the next year, forbidding the War Department to spend any of this money for the very location that this House may approve next week.

Mr. PARKS. Let me say to the gentleman I hope he does not misunderstand me. I hope he does not think I am against Chanute Field. I do not know anything about it, whether it should be maintained there or not, except as revealed by the testimony that comes to us from this Board. If this bill is not passed, they will have to do something about the matter. You will either have to move those men away from there or give them a safe place in which to work and to live.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. JOHNSON of Oklahoma. I should like to inquire of the chairman that if the pending amendment proposing to eliminate the language to which the gentleman from Illinois objects is defeated, and then the Military Affairs Committee comes in a week from today and decides that Chanute Field is the proper place for a field, just what position would this House be in, having voted that no permanent buildings may be constructed at the point where the committee may say there shall be a permanent field?

Mr. PARKS. Some provision will have to be made to take care of the matter in that event.

Mr. BOLTON. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. BOLTON. Does the gentleman from Oklahoma know how much is involved in this item?

Mr. JOHNSON of Oklahoma. Yes; I think so.

Mr. BOLTON. How much is involved?

Mr. JOHNSON of Oklahoma. I understand about \$10,000,000 might be involved.

Mr. BOLTON. There are only \$95,000 included for all improvements at Chanute Field.

Mr. JOHNSON of Oklahoma. I think the gentleman is mistaken, but regardless of the amount involved that is begging the question. No such language, in my judgment, should be placed in a bill that will have the effect of prejudging the issue that a committee of this House is going to decide, so the chairman announces, 1 week from today.

Mr. DOBBINS. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. DOBBINS. Let me correct the gentleman from Ohio [Mr. BOLTON]. The last preceding figure used in this appropriation is over \$10,000,000, line 12, page 35.

Mr. BOLTON. Exactly, but if the gentleman will read General Westover's testimony on page 362 of the hearings he will find that the only item, specifically stated, for Chanute Field is \$96,000.

Mr. DOBBINS. But the limitation sought to be placed is over the entire \$10,000,000.

Mr. BOLTON. But not for Chanute Field.

Mr. WOODRUM. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. WOODRUM. They could even spend a portion of that \$95,000 under the bill as reported, because it applies only to permanent improvements?

Mr. PARKS. Yes. They could spend it all.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield further?

Mr. PARKS. Certainly.

Mr. WOODRUM. Is it not true that the question of policy as to whether or not this field shall be continued is not in any way involved in this bill?

Mr. PARKS. Not a bit in the world.

Mr. WOODRUM. But the fact is that a board of engineers of the War Department after mature consideration has reported to the Congress that the field should be abandoned and reestablished at Denver.

Mr. PARKS. Yes.

Mr. WOODRUM. Not only reported that, but a bill has been introduced in and passed by another body to this effect.

Mr. PARKS. That is right.

Mr. WOODRUM. The Appropriations Committee, it seems to me, using good judgment certainly in this instance, has merely provided that under these circumstances the matter having gone thus far and there having been such an emphatic statement of policy in reference to this field, that during this period no permanent improvements shall be made.

Mr. PARKS. That is all it says.

Mr. WOODRUM. Now, the gentleman from Illinois, our distinguished, beloved, able friend from Illinois—and all of us sympathize with him in his splendid efforts for his district—asked the question, "What is going to happen if the Military Affairs Committee should bring in a bill continuing this field?" Not meaning to comment on our dear friend's optimism, if this should happen Congress is not going to adjourn overnight. There are other appropriation bills to be passed and there will be at least two more deficiency bills in which any permanent improvements that ought to be made can be taken care of. But certainly, with legislation having passed one body of the Congress, as it has, the Appropriations Committee does not feel that permanent improvements ought to be made there now.

Mr. PARKS. That is the only question. I want to assure the gentleman from Illinois that if the Congress should refuse to pass that bill he will not find me on that committee opposing the reestablishment of Chanute Field. It ought to be rebuilt or it ought to be moved.

Mr. DOBBINS. It ought to be rebuilt; that is what ought to be done.

Mr. PARKS. The gentleman is right about it if it is to be retained.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. MAY. Suppose the bill passed without this amendment; does the gentleman think that the War Department would spend any money on the field, especially if the House should report out a bill to eliminate the field?

Mr. PARKS. My distinguished friend here is so able and seductive I do not know what he would be able to have them do if that bill did not pass; but I want to assure him now, speaking for the committee, that we are not against Chanute Field if they decide to continue it. We know how important the activity carried on there is.

Mr. DOBBINS. Mr. Chairman, will the gentleman yield?

Mr. PARKS. Certainly.

Mr. DOBBINS. The gentleman from Virginia knows, I think, that I agree with a part of his statement—that part in which he said Congress is not going to adjourn overnight and that we can pass whatever law may be necessary on this subject. The appropriation provided in this bill will not become available until July 1, 1936. Congress certainly will

be in session a good part of the time between now and then. As the gentleman from Virginia has very well suggested, there is ample time in which to pass stop-gap legislation; but regardless of the opinion of the gentleman from Arkansas, unquestionably, if this Congress passes this bill with this restriction in it, it is going to be used by the Army as an expression of this Congress against the present location of the field, which has not even been considered by the House.

Mr. PARKS. I do not feel that the gentleman is right in that conclusion.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. ROGERS of New Hampshire. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of New Hampshire: Amend title I by striking out on line 18, page 34, "\$59,397,714" and inserting in lieu thereof "\$72,397,714"; and on line 21, page 34, strike out "\$41,055,925" and insert in lieu thereof "\$52,055,925"; and on line 2, page 35, strike out "\$29,332,602" and insert in lieu thereof "\$40,322,602."

Mr. ROGERS of New Hampshire. Mr. Chairman, the purpose in offering this amendment is to enable the Members, as true friends of national defense in this country, to make the Army Air Corps a potent factor in the military branch of our service. As it is today the Army Air Corps is in a deplorable condition.

My first knowledge of military aviation came as a result of my interest because my brother was in the military aviation service during the World War. As a Member of the Sixty-eighth Congress I was a member of the Lambert committee, and I found military aviation in this country to be in an awful condition. During the last three sessions of Congress I have had the honor to be chairman of the subcommittee on aviation of the Committee on Military Affairs. I still say, and I challenge any man in this House from any district or any State in the Union to deny it, that instead of going ahead as provided by the Air Corps Act of 1926 we have gone backward. This is shown in the testimony given before the Appropriations Committee last month by Assistant Secretary of War Woodring. He said:

The figures furnished my office indicate that the Army Air Corps will have approximately 777 airplanes in its possession July 1, 1936.

We get 565 under the bill now under consideration.

Mr. Woodring continues—

A continuation of an appropriation of the above size will never permit the Army Air Corps to reach this desired strength, as it will only take care of approximate yearly losses.

We now have six or seven hundred planes fit for military use. This includes combat, pursuit, and bombardment planes. England has five to six thousand, Germany a program calling for 7,000 to 10,000, and our own Howell Commission and Baker Board recommended 2,320. How can we still go along with six or seven hundred airplanes to defend this Nation?

Mr. Chairman, this may seem like a substantial item, but I ask the Members of the House to take a step in the right direction. The honorable chairman of our full committee, Mr. McSWAIN, has said he hoped to get 3,000 planes in the Army Air Service. We cannot get 3,000 at this time, but the figure which I have in my amendment will provide, according to the best estimates from the Military Establishment, 135 additional planes; so that we will be able to say we have finally started on the right road to make a most potent change in our national defense. We may then go back home to our constituents and tell them that we are at least doing all in our power not only to maintain an adequate Army and Navy but to get to the height fixed by the Baker Board and Howell Commission. This will give us a few more planes from year to year instead of having only enough to fill the item of loss every year.

Mr. WOODRUM. Will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield to the gentleman from Virginia.

Mr. WOODRUM. I am very sympathetic with the gentleman's interest in improving the aviation facilities of our Army and Navy, but I would like to call his attention to a statement put in the RECORD yesterday by the chairman of the subcommittee, and if the figures are correct, it seems to me they are significant. He put in the RECORD the fact that since July 1, 1933, 1,184 planes have been authorized; yet 752 of those planes are still undelivered. Some of the planes for which we appropriated money in 1933 are still undelivered. Now, you cannot go downtown and buy an airplane in a store like you would a package of cigarettes. May I say to the gentleman that if we make reasonable and conservative progress in providing these planes, as the President of the United States has asked us to do, we are moving along in the right direction.

Mr. ROGERS of New Hampshire. May I say to the gentleman that I have gone through this report from beginning to end? I prefer to take the testimony of the Chief of the Air Corps, Major General Westover, and the testimony of The Assistant Secretary of War, Mr. Woodring. They say that we only have 777 planes. Those are the exact words of Mr. Woodring. They get 565 planes under this bill, and if we continue under this plan we will be taking care of only our yearly losses. Let us go ahead in the right direction.

[Here the gavel fell.]

Mr. WILCOX. Mr. Chairman, I ask unanimous consent that the gentleman be given 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WILCOX. Will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield to the gentleman from Florida.

Mr. WILCOX. In line with the question asked by the gentleman from Virginia [Mr. WOODRUM] and the information given by him as to the speed with which planes may be delivered, may I ask the gentleman from New Hampshire if that is not an additional reason why this appropriation should be increased, so that the program may be speeded up? In this connection may I call the gentleman's attention to the testimony of General Westover which appears on page 295 of the hearings, in which he sets out the fact that in the past 5 years 1,371 airplanes have been delivered to the Army, while during that same time we have lost 1,621 by obsolescence or through wash-outs, leaving us with a net loss of 250 planes over those purchased by the Army in the last 5 years.

Mr. ROGERS of New Hampshire. May I add for the gentleman's information that General Westover also stated in this hearing, which cannot be denied, that the net result of these factors will leave the Air Corps on June 30, 1937, with an estimated number of 779 project planes, and 529 planes which will be classed as absolutely obsolete on account of having passed the 5-year age limit.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield to the gentleman from Washington.

Mr. ZIONCHECK. Will the gentleman tell me about the two project planes that are contemplated in this bill, each one to cost the Government of the United States \$569,000?

Mr. ROGERS of New Hampshire. I did not get the gentleman's question.

Mr. ZIONCHECK. What are those planes to be used for? What kind of planes are they? They are to cost the Government \$569,000 each.

Mr. ROGERS of New Hampshire. The planes which I am asking for in my amendment, and which I understand we will get thereby, are pursuit, bombardment, and attack planes, which are the planes we need to defend this country.

Mr. ZIONCHECK. Then with respect to the bombardment planes, do they not cost on the average about \$107,000 apiece?

Mr. ROGERS of New Hampshire. They change a great deal and the price varies from year to year.

Mr. ZIONCHECK. But they cost approximately \$100,000.

Mr. ROGERS of New Hampshire. I cannot give the gentleman the exact figures on that.

Mr. ZIONCHECK. And whom do they plan to bomb with them?

Mr. ROGERS of New Hampshire. We plan to bomb anybody who attacks us, who ought to be bombed.

Mr. ZIONCHECK. That is fine, if they attack us.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield.

Mr. McSWAIN. With respect to the expensive plane to which the gentleman from Washington refers, there is only one such plane made by the Boeing Co., of Seattle, Wash., and with respect to the others, there are 18 on order, costing something like \$100,000.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield.

Mr. MAY. As I recall the evidence before our committee, according to the program of construction which we have had since the National Defense Act of 1920, we are losing by obsolescence faster all the time than we are gaining, and we are now 8 years behind with our construction program.

Mr. ROGERS of New Hampshire. That is the fact, and let me call attention to the table, given to the Committee on Appropriations by Mr. Woodring, as to the number of airplanes on order or obtained from 1930 to 1935, inclusive:

1930	555
1931	364
1932	285
1933	118
1934	222
1935	401

Compare this with the figures estimated by the Howell commission and Baker board.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield.

Mr. REILLY. What is the reason for the delay in delivering planes already on order?

Mr. ROGERS of New Hampshire. For one thing we have only recently reached the point where we are ordering them in sufficient number for them to be produced in quantity production under competitive bidding as fast as they should be produced. This situation is fully explained in two letters from the Secretary of War to the chairman of my committee which read as follows:

WAR DEPARTMENT,
Washington, January 13, 1936.

Hon. JOHN J. McSWAIN,
Chairman, Committee on Military Affairs,
House of Representatives.

DEAR MR. McSWAIN: Aware of the keen and continued interest of yourself and your committee in the matter of procurement of aircraft for the Army Air Corps, I wish to take this opportunity of further elaborating upon my letter of August 15, 1935, to you and of presenting such additional significant facts as have occurred since that time. You will recall that the War Department has consistently maintained that the present policy of procurement by competitive bidding, which policy I interpret as the underlying purpose and principle of the act of July 2, 1926, would have to be in operation at least 2 years before a final conclusion could be reached as to its efficacy. With approximately 18 months behind us and with the accomplishment of certain results, which are set forth below, I feel all the more certain that the procurement policy as now operated will more than justify the enthusiasm which has been had for it by its sponsors.

Since the present policy was put into effect the War Department has contracted for and now has on order a total of 685 airplanes. The first contract of this group was let on June 28, 1934, and to date 10 airplanes have been delivered thereunder. In addition, the first airplane under each of several of the other contracts has been delivered and accepted. Inasmuch as this delivery may at first glance seem small, I wish to emphasize here that the major problems creating delay in the delivery of aircraft arise in connection with the test and acceptance of the first airplane under the contract, and that thereafter the delivery of the remaining planes is accomplished at a very much accelerated rate. This is significantly borne out by the fact that deliveries of aircraft under the aforementioned contracts will total more than 500 during the year 1936, commencing at the rate of approximately 20 for the month of January and increasing progressively each month thereafter.

I am going into the matter of the time factor in some detail because one of the chief criticisms against the War Department has been the length of time between the inception of an airplane design and the delivery of airplanes of this design in quantity to the tactical units in the field. Since the present procedure has been put into effect, constant efforts have been made to reduce this elapsed period. One step taken is to issue circular proposals to the

trade sufficiently far in advance of the availability of funds to permit the awarding of contracts almost immediately after appropriated funds become available to the Department. For example, circular proposals have already been issued to the trade covering 1937 requirements. Another step taken is the submitting of the airplane of the successful bidder to an "accelerated service test" for a period of 90 days, which procedure will reduce to a minimum the necessity of change orders with the delays incident thereto. I am pleased to be able to inform you that under the new policy of competitive bidding and the subsequent improvements which have been made therein, quantity deliveries of aircraft are now being made for tactical use within something less than 2 years of the date of advertising. For example, the circular proposal for attack airplanes was issued on May 28, 1934, and delivery of 6 airplanes has already been made, with delivery of approximately 40 more due by May 1936. Such a rate of delivery compares most favorably with that of foreign powers on which such information is available.

Another objection which the opponents of the present procurement policy offered against its adoption was the fear that procurement by competition would lessen the sources of supply, whereas the War Department contended that the opposite results would be obtained. I commented upon this matter, and the favorable results which had been obtained, in my letter of August 15, 1935. I wish to inform you that the results of the bidding during this past fall substantiate the contention that sources of supply will increase rather than decrease as a result of the opportunity offered to all bona-fide manufacturers to compete for the War Department business. Furthermore, I feel that the stimulation of a creative interest in engineering and development places industry in a better position to meet the needs of the Army Air Corps in case an emergency should arise.

I wish to further reassure you with regard to the performance of the aircraft which are now being procured. Improvements in performances are extremely gratifying and in some instances far beyond even those hoped for. As an example, I think I can assure you that the very near future will see the single-seat pursuit airplane with a top speed of over 300 miles per hour, with proportionate improvements in the other types of airplanes with which the Army Air Corps is equipped.

Another matter in which you and your committee are particularly interested is that of design competition. I alluded to this in my letter of August 15, 1935, but at that time I had no definite information to furnish you. I now wish to advise that in two instances the design submitted was sufficiently advanced to warrant an award and a contract with the winners, and as a result the Wedell-Williams Air Service Corporation, Patterson, La., is manufacturing a single-place pursuit airplane, and the North American Aviation, Inc., Baltimore, Md., is manufacturing a three-place observation plane for the Army Air Corps. The War Department expects to continue the holding of periodic design competitions and has hopes that they will not only result in advances in design and engineering but will serve to produce additional sources of supply for military airplanes in the future.

Sincerely yours,

GEO. H. DERN, *Secretary of War.*

WAR DEPARTMENT,
Washington, August 15, 1935.

HON. J. J. McSWAIN,
*Chairman, Committee on Military Affairs,
House of Representatives.*

DEAR MR. McSWAIN: At the time of the adoption of the present War Department policy for the procurement of aircraft, the Assistant Secretary of War took the position that the policy would have to be in operation at least 2 years before sufficiently definite results could be obtained to render final judgment upon its efficacy. Although this policy has been in effect only 1 year, I feel that sufficient progress has been made to warrant a report to your committee at this time, and I am, therefore, setting forth below the results obtained to date, and my opinion of what may reasonably be expected in the future.

Briefly, the policy calls for the placing of contracts for quantity procurement of airplanes as a result of competitive bids submitted by the industry. Advertisements submitted to the trade are on a performance-specification basis and require each competing manufacturer to submit with his bid a sample airplane complete and ready to fly. A period of from 8 to 12 months is allowed between the issuance of the advertisements and the opening of the bids to give the manufacturers adequate time in which to design, construct, and submit the sample airplanes for test. Award is made on the basis of a predetermined method of evaluation, of which the bidders are made cognizant in the advertisement. This evaluation places a premium upon improvement in performance and award thereunder is made to the highest evaluated airplane, thereby assuring the Government obtaining the finest available aircraft. The advertisement further contains certain minimum-performance requirements which are based upon the maximum performance of the finest known airplane at the time of issuance of the particular advertisement, and provides that no consideration will be given to any airplane that does not at least come up to these requirements.

This policy gives full rein to the inventive genius and engineering ability of the manufacturer and permits the incorporation in the samples to be submitted of all worth-while developments practically up to the actual date of opening. For example, a certain manufacturer arrived at Dayton, Ohio, with the airplane which he proposes to submit on a particular proposal about a month prior to the date of opening of bids. After arrival at Dayton he appar-

ently decided that the plane could be additionally improved, and consequently has had a crew working upon it consistently since its arrival. If advertising had been based upon detailed specifications and drawings, with no incentive for turning out the finest possible type of airplane, it is fair to assume that proposals would have been received offering airplanes meeting only these detailed specifications and drawings, and not including therein the engineering developments which have taken place since their issuance many months before.

The making of awards under this system on the basis of a tested article, rather than on a "paper promise to perform", has an additional marked advantage. It enables the War Department to make contracts for quantity procurement with the knowledge that the manufacturer has actually demonstrated his ability to construct the finest available type of airplane, thereby eliminating the service test of an article, which would be necessary if samples were not required. This factor alone reduces by at least a year the elapsed time between the inception of a design and delivery of airplanes in quantity to troops in the field, and eliminates to a great extent past criticism to the effect that airplanes are becoming obsolescent by the time they reach the hands of tactical organizations.

The War Department is gratified at the response of the industry to the new procurement policy. On standard equipment, competition has been keen and has resulted in a great deal of engineering work on the part of manufacturers. It is fair to say that progress in the art has been materially advanced, moving ahead according to the belief of some people intimately connected with the industry as much as 3 to 5 years. Furthermore, manufacturers are offering airplanes whose performance exceeds expectations. For instance, a basic training airplane now in service has a top speed of about 125 miles per hour, while the basic trainers contracted for under the present system have a top speed of over 200 miles per hour. It appears reasonable to assume that no such advance would have been made at one stroke without the incentive of competition and the assurance that award would be made to the manufacturer offering the most advanced airplane.

When the present policy was originally adopted it was felt in some quarters that it would result in reducing the available sources of supply for the different types of airplanes. It was the opinion of the War Department that a competitive policy of procurement would give the opposite results and I am gratified to be able to state that such is apparently the case. For example, six manufacturers offered basic training airplanes in the last competition while four manufacturers entered observation airplanes. I am informed that three manufacturers will offer bombardment airplanes in that competition, bids on which are to be opened the 22d of this month. Reliable press reports indicate that each of these three companies has built and has ready for test a bombardment airplane which will far exceed the performance of any bombardment plane now known, with speeds ranging over 200 miles per hour, cruising range exceeding 3,000 miles and with greater useful loads than have heretofore been thought possible. Press reports further indicate that the Glenn L. Martin Co., which is now manufacturing a quantity of bombers for the Army, is offering a newly designed airplane in the competition under discussion. It is fair to assume that had procurement continued along the lines previously followed this company probably would have offered for this year's consideration the present type of Martin bomber with certain refinements and improvements rather than an airplane of completely new design and development.

In addition to quantity procurement competitions, the War Department is holding design competitions on many types of aircraft. These competitions were opened May 6, 1935, and resulted in 17 manufacturers entering the competition for pursuit airplanes and an average of 3 manufacturers in each of the other competitions. The necessity of giving preference to the work involving contracts for quantity procurement because of present shortage of airplanes in the Army and the amount of detail work necessary to evaluate the design competition have precluded any final determinations to date. It is expected to announce the winners of the design competitions at an early date, and it is hoped that the designs submitted will be sufficiently advanced to warrant the manufacture of experimental airplanes in accordance therewith.

I regret that the present procurement policy has not been in effect sufficiently long to enable me to furnish your committee more concrete information, but I feel certain that the progress and development outlined above are sufficient to enable you to conclude with me that the success of this policy is most promising and that nothing should be placed in the way of continuing the present method for a sufficient period to determine definitely its net worth.

Sincerely yours,

GEO. H. DERN, *Secretary of War.*

Mr. PARKS. Mr. Chairman, I imagine there is no one in this House who disagrees with the gentleman in his statement that we ought to increase, if possible, the number of our airplanes, but to add \$13,000,000 to this bill, in my opinion, would be utter folly.

We not only have not had deliveries of large numbers of the planes that have been appropriated for, but we absolutely cannot get delivery of them in a year's time. We have one factory alone making combat airplanes in the United States under current year appropriations, including a subsidiary outfit, and there is one other airplane concern

that is making a few of these large bombers—13, I believe—which cost such an enormous amount of money. If they will deliver to us today the number of planes we have on order and for which we have appropriated the money, in conjunction with the number of airplanes provided for in this bill, you will have your planes on a current basis, and by that I mean current with authorization.

Mr. ROGERS of New Hampshire. Would the gentleman yield at that point?

Mr. PARKS. Certainly I will yield to the gentleman.

Mr. ROGERS of New Hampshire. I think the memory of the Members of the House ought to be refreshed on the fact that we are now resorting to competitive bidding instead of purchasing by contract, which is causing a great deal of delay.

Mr. PARKS. Yes; and your competitive bidding has meant many months of delay in getting airplanes.

Now, as to Secretary Woodring, for whom I have the highest regard, as well as the Chief of the Army Air Corps, who testified they could not tell us why they have not got these planes for which we have appropriated, except to say that under the procurement procedure which now prevails, it takes time to get to the point of actually contracting for an airplane.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. RANDOLPH. Is not our best safeguard in the purchase of airplanes the fact that if we make an appropriation here, then they can call for a contract; in other words, we cannot make a contract until the appropriation has been made?

Mr. PARKS. Certainly; that is absolutely so.

I wish to call your attention to one other thing. The Appropriations Committee itself has suggested a saving, which the Chief of Staff and the Air Corps have said is satisfactory, whereby we save nearly \$3,000,000, which will buy 58 planes. This is done by reducing the spare engines from 100 to 50 percent. Some people think they ought to be reduced 75 percent.

Gentlemen, we ought not to run over the budget by this amount of money and throw it any more out of balance than it now is.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PARKS. Yes.

Mr. MAY. Does not the gentleman agree with me, following his own statement, that we are many months behind, that such a delay in the procurement of planes is an argument in favor of the amendment of the gentleman from New Hampshire?

Mr. PARKS. When you have the money and have not been able to buy them, why will giving you more money enable you to buy them?

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. KENNEY. Can the gentleman tell us how many up-to-date, first-class planes we have at the Isthmus of Panama at the present time?

Mr. PARKS. So few I am ashamed to tell the gentleman.

Mr. KENNEY. About a couple of them?

Mr. PARKS. Oh, no; they have more than that. I saw them down there, but practically all the planes we have are planes that are 4 or more years old, but they have had the authority and the money to buy more and our difficulty is that it takes so much time to buy them.

Mr. KENNEY. Is it not true that they have only had one or two in the last 2 years?

Mr. PARKS. I do not know how many they have obtained recently. I maintain that this bill carries enough money to do everything that the Budget says we ought to do at this time and more. We are providing here for 58 planes more than the Budget asked for.

Let me call your attention to one other thing. You have not any authority to buy 4,000 planes and if you had today \$100,000,000 more you could not buy 4,000 planes, if you bought planes of proven superior types.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. BOILEAU. Does not the gentleman believe if we accepted this amendment and at the same time reduced the naval appropriations by about one-half we would have more nearly adequate national defense?

Mr. PARKS. The gentleman is asking me now something that I do not know about—

Mr. BOILEAU. The gentleman is an authority on this military proposition.

Mr. PARKS. But what the Navy is doing or is going to do is without my province.

Mr. BOILEAU. Does not the gentleman believe we would have better national defense if we spent a great deal more money for airplanes and cut the appropriations for the Navy by one-half?

Mr. PARKS. Now, you are, perhaps, asking for a biased opinion, because between the Army and the Navy I am inclined to lean toward the Army. I would be a biased judge and I might be wrong in giving an opinion.

Mr. Chairman, I have studied this matter and I say to you, I am just as much in earnest about procuring an adequate number of planes as any man in this House, but do not let us go blindly into it. We have got to maintain the credit, as well as the defense of this country, and do not let us run wild on this proposition.

Mr. ZIONCHECK. One hundred and eighty Navy men can take care of 500 Army men any day.

Mr. MAY. Will the gentleman yield?

Mr. PARKS. Yes.

Mr. MAY. Secretary Woodring testified before our committee that for lack of funds they were forced to pay a large price, whereas if they had had the money to make the contracts for a large number, they could have obtained them for a little more than one-half.

Mr. PARKS. Here is what you do. You go to one place and instead of buying 650 planes you buy very many more. Up to a certain number the unit cost is bound to be less. It is like buying anything in quantity; in most cases you would get a reduction.

I say it would be folly for us to authorize \$13,000,000 or \$25,000,000 or \$50,000,000 for planes that you cannot get, and it is useless and foolish to build up the amount of this bill under such circumstances.

Mr. DOCKWEILER. Mr. Chairman, I rise in opposition to the amendment. In my address the other day I pointed out what I thought was a pertinent fact. I think we are misled by reading the testimony that appears at our hearings. Unfortunately, there was not developed in that testimony the number of planes contracted in the past years from 1933 to date. But the hearings projected the number of planes we proposed to build if this bill is passed.

I have before me a letter from the War Department dated February 4 of this year, which says:

In response to your request for information regarding the airplanes to be delivered under various outstanding contracts as of December 31, 1935—

Why did we request that information? Unfortunately, the hearings do not include the information—

there is to be delivered, already appropriated for, a total of 752 planes through the War Department, aside from 515 or 565 planes appropriated for in the bill—because 50 planes are to be delivered to the State militia.

The contractors' names follow: Boeing, 23 pursuit planes under 1933 contract, 13 bombers under 1936 contract; Consolidated Aircraft, to be delivered, 50 pursuit planes under 1935 contract; Martin Co. to deliver 94 bombers, 17 of which were provided for under the 1934 appropriation bill, 15 of which under the 1935 appropriation bill and 62 of which were provided for under P. W. A. funds.

Mr. ANDREWS of New York. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. ANDREWS of New York. What are the delivery dates specified in the contracts?

Mr. DOCKWEILER. I do not know that, but they are going to be delivered. Douglas, 80 bombers under 1936 contract, 47 observation planes under 1935 contract, 20 cargo planes under 1936 contract; Northrup, 210 attack planes, 78 of which were under 1935 contracts, 30 of which under P. W. A., and 102 under 1936 contract; Stearman, 26 primary training planes under 1937 contract; and North American Aviation, 82 basic training planes under 1936 contracts; and Seversky, 30 primary training planes under 1935 contract, making a total of 675, and also in addition to that there are 77 pursuit planes under the 1936 contract, making a total of 752. Added to that, this year's bill provides for 615 and 50 for the National Guard, and for next year we provide for 515, and there will be a total of brand-new planes of 1,782, and the law allows us only 1,800 planes, not counting some of the old ones, and several of them will not be washed out.

Mr. WILCOX. Mr. Chairman, I rise in support of the amendment. I call the attention of the House to the figures which the gentleman from California [Mr. DOCKWEILER] has just been referring to as applied to the testimony of the various War Department officials who appeared before his committee. In the testimony of General Westover we find the statement that including 282 planes which it is anticipated will be delivered during the current fiscal year the Army will have on hand on June 30, 1936, 777 planes, to which must be added an additional 480; and it is not very hard to calculate the number of planes which will be on hand when all of the contracts have been fully complied with.

According to his testimony these additional planes are to be delivered during the year 1937 and the year 1938. I also call the attention of the House to the testimony of General MacArthur, as reported on page 292 of the hearings before the committee, in which he made the statement that in order to keep the Army air force up to a proper standard it would be necessary to add 800 planes per annum. That would be necessary to take care of the obsolescence, the wrecks, and the crack-ups, and still you would not have the Army air force at proper strength. Eight hundred per year must be added if we are to ever increase the present strength of the air force. Less than that number will only take care of obsolescence and crack-ups. Whatever may be the figures, whatever you may add up and subtract, whatever the book-keeping entries and balance sheets may show, you cannot escape certain facts. The fact is, according to the Baker Board's report, and the agreement of all those in a position to know, that the G. H. Q. air force, which is the fighting portion of the air force, must have a minimum of 980 serviceable airplanes able to take the air at any time. The fact also cannot be disputed that there has never yet been assigned to the G. H. Q. air force more than 383 planes. The minimum requirement is 980, and the maximum amount ever supplied has been 383, and when the recent maneuvers took place in Florida, General Andrews was able to take the air with only 162 serviceable planes. Nine hundred and eighty is the minimum requirement and 162 is the maximum with which he can take into the air at any time. That is the maximum number in which he can afford to risk the lives of his officers and men. It is no reflection upon the officers and men of the Air Corps, or the G. H. Q. air force, to say that we really have no air force worthy of the name. Such as we have is of the finest quality. No more gallant or efficient officers or men exist in any air force in the world, but they are pitifully few in numbers when compared to the strength of a possible enemy.

Mr. REILLY. Mr. Chairman, can the gentleman give the House any information as to what is the life of a plane?

Mr. WILCOX. Five years. Twenty percent must be set aside for obsolescence every year.

Mr. ROGERS of New Hampshire. I call the gentleman's attention and the attention of the House to the report of the Appropriations Committee on page 11. Speaking about the number of planes it says that every one of these would be planes of metal construction, none less than 5 years old.

Mr. WILCOX. I call attention to one other statement which has appeared both in the report and in the statement

by the gentleman from California [Mr. DOCKWEILER] in which he says that by 1938 we will have the minimum requirement of the 1926 Air Corps Act, provided next year we have an additional appropriation for an additional 515 planes. In other words, if the next Congress shall do its duty, and if in the meantime through obsolescence, crack-ups, and washouts we shall not have wiped out more than the anticipated amount, then by the end of the fiscal year 1938 we will have caught up with the minimum requirements of the 1926 act, which should have been put into effect not later than June 30, 1931.

We are already 5 years behind the program as set up in the Air Corps Act of 1926; and even according to the gentleman's own figures, we will be 2 years yet in reaching the minimum requirements of that act. In other words, if we provide for 515 more planes in next year's appropriations, then by July 1, 1938, we will be where we should have been in 1931. We are now in sixth place among the nations in the matter of air forces, and at our present rate of development and at the speed with which other nations are building up their air forces we will soon be in seventh place.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. WILCOX. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. Yes.

Mr. RANDOLPH. Is it not a fact that in the deliveries for the years 1936 and 1937 we will still have losses totaling more than 250 more than the deliveries of that period?

Mr. WILCOX. The opinion of well-informed people in Army circles is that at the end of the period we will have less serviceable planes than we have now.

Mr. Chairman, I am just as much in sympathy with this matter of economy and balancing the Budget as any man in Congress, but I submit to you, in all fairness, that this is not the place to practice economy. This is a matter of national existence. [Applause.] Upon this thing depends the existence of the country. I submit to you, in all fairness, that we should not begin practicing economy at this point.

I want to call attention to one other item in this bill. There is in this bill an item of \$32,000,000 for coast defenses; the old-fashioned gun—to shoot at a battleship if it gets within 20 miles of the coast. The coast-defense gun, in the presence of aircraft, is as useless as a slingshot. No battleship is ever going to get within range of a coast-defense gun until after the coast defenses have been destroyed by aircraft. If you want to get the money to meet the requirements of the amendment offered by the gentleman from New Hampshire, you can get it by reducing the amount of the appropriation for these worthless, obsolete coast-defense guns, which saw the end of their usefulness when the airplane came into being.

I know, Mr. Chairman, that this is a big appropriation bill, and I realize that the pacifists are going to raise a hue and cry about it, but, in conclusion, I want to call attention to two things:

First. The reason it is necessary to pass such a large appropriation bill at this time is because for 12 years our national defense was neglected. We are trying to catch up with the procession. We are doing now what should have been done 5 or 10 years ago.

Second. Let me say that our national safety and security and the protection of our country and the preservation of our institutions demands that we build an adequate air force, and that we do it now.

The CHAIRMAN. The time of the gentleman from Florida [Mr. WILCOX] has again expired.

Mr. BOLTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find myself in a very difficult position, as I am greatly in sympathy with the amendment and the remarks offered by the gentleman in favor of the amendment. On the other hand, as I endeavored to point out yesterday,

I do not think we should advocate the expenditure of large sums of money for an increase in our air force beyond the figure recommended by the committee until we have corrected or improved our methods of procurement. As I tried to explain, and as will be found in the hearings, the time of procuring a plane today is from 2 to 3 years in duration. And, further, we find that our entire procurement program is in the hands of about four airplane companies, which are producing as rapidly as they can, their designs having been agreed to.

It may sound strange to say, but one factor which has contributed somewhat to the delay in following out our previous programs has been the ability of our industry to improve aircraft so that by the time we have gone through the red tape and been able to actually place a contract someone in the industry has brought out something better. I understand that the Air Corps sends out requests to bid to sometimes as many as 100 concerns who are manufacturing aircraft and its equipment. As a rule, the actual bidders are anywhere from 3 to 10 companies that bid on a specific type of aircraft. One of these companies eventually gets the business and goes to work on a production contract; the others go to work on new developments and have to bid on other types of planes. With the placing of this business with the companies in business changing from year to year, we have a situation whereby there are usually each year five or six well-equipped, experienced companies with very little business to enable them to keep their overhead down, maintain their staff of highly trained engineers and research experts, and keep their experienced labor as a group. This is very important to the Government, which would like to keep in business a nucleus of an efficient aircraft manufacturing industry with a surplus-producing capacity over the usual year's requirements to fall back on in a national emergency. The delay through one reason or another of placing orders for the procurement of aircraft and for the building up of authorized air forces during the past few years has had a very serious effect upon this manufacturing nucleus, which, like insurance or a dress suit, we are going to need immediately when we need it.

A legislative committee has been studying this matter for the past 2 or 3 years, and, as I understand it, no definite conclusion has been reached as to the proper method of procurement. Certain changes have been made in the War Department, and I think they are along the right lines; but I do believe that with our vast airplane industry a period of 2 or 3 years to procure planes is altogether too long.

Mr. MAY. Will the gentleman yield?

Mr. BOLTON. I will be glad to yield to the gentleman, who is a member of the legislative committee and probably understands this situation much better than I do.

Mr. MAY. I want to say to the gentleman, fearless of contradiction in the matter, that the evidence before both the Military Affairs Committee and the Appropriations Committee, coming from officers and representatives of the War Department, is overwhelmingly in favor of a proceeding that would carry into effect this amendment, while the only opposition to it is the recommendation of the Director of the Budget.

Mr. BOLTON. I beg the gentleman's pardon. As I said before, we are probably all in sympathy with increasing our air force, to bring up to the proper size; but I do not think we want to expend money unless it is done in the proper manner. I do not believe the manner in which we have purchased our airplanes in the past 5 years has been a proper expenditure, when we have appropriated over \$97,000,000 for airplanes and have not been able to increase our air forces; but, on the other hand, have seen our number of serviceable airplanes decline. I maintain something is wrong in that method of procurement, and until that method is changed, I am not in favor of these tremendous expenditures beyond what has been recommended.

Mr. McSWAIN. Will the gentleman yield?

Mr. BOLTON. I yield.

Mr. McSWAIN. The gentleman from Ohio, having expressed surprise that I had any information regarding the influence of Italian bombers upon the maneuvers of the

British fleet, I beg to advise him that in the New York Times of February 9, 1936, in a comment by a distinguished military critic, among other things, he says:

It is common knowledge that when the possibility of hostilities arose last autumn the bulk of the British fleet was withdrawn from its historic base at Malta to the extremities of the Mediterranean, a striking testimonial to the strategic influence of air power on sea power.

Mr. BOLTON. I quite believe in that. I believe in a sufficient and proper air force, but, as I said today, the legislative committee having had this matter under consideration for 2 or 3 years should report to us the proper method of procurement before we authorize the expenditure of additional vast sums of money.

Mr. McFARLANE. Will the gentleman yield?

Mr. BOLTON. I yield.

Mr. McFARLANE. Will the gentleman outline his ideas of procurement and just what his committee has in mind as to the ideas of procurement?

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes, in order to answer the gentleman from Texas.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOLTON. I do not pretend to be an expert on the method of procurement, but I did suggest in my discussion yesterday two or three methods which I thought might speed up the method of procurement. On the other hand, that is being studied by the Military Affairs Committee, and I hope today's discussion will hasten a report or recommendation from them.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last word.

I was not in the Chamber and did not hear the entire speech of the gentleman from Florida [Mr. WILCOX], but I got the general gist of it. In other words, antiaircraft guns are useless; machine guns are useless; airplanes are all-effective. Well, it is a peculiar thing, Mr. Chairman, when you talk to the different divisions of the Army and Navy that have to do with these different activities. When you talk to those in charge of antiaircraft guns they will tell you that the airplane does not have a chance within 10,000 feet.

They have 5-inch guns with a projectile 36 inches long, and it is so timed that it will explode at 8,000, 9,000, 10,000, or 11,000 feet; and when it explodes it throws steel for 80 yards in every direction. A killing range of 80 yards! That is one thing. It is very easy to go to moving-picture shows and see a battle, a vicious battle, put on as only a movie director can put one on—planes winging over on their backs, you know, pilots with goggles on, sparks flying around, machine guns sputtering, and all that sort of thing; and then he turns the nose of his plane down and makes a power dive at 400 miles an hour and drops his bomb on the battleship. But we must remember that in reality these battleships have machine guns which shoot shells 4 or 5 inches long, and, speaking subject to correction, at the rate of 300 or 400 a minute; and when they hit they do not tickle.

You hear of airplanes and their effectiveness, and you hear of radio and electricity. Right now a method is being worked on whereby electricity is sent over a radio beam of such force that it will short circuit the spark plugs and electrical system of the airplane; and when this happens, somehow or other, the airplane gets tired and drops to the ground or water—you know. All these things are going on.

Mr. Chairman, most of the talk here today, including the talk of the great statesman from Nevada, who happens to be in the other Chamber, and a great statesman from Illinois who happens to be in the other Chamber, and all this war scare is nothing more nor nothing less than an effort to stimulate business for the munitions makers; and why? They do not want to kill people; they are good people; they like their families; but they like their profits. The only way they can make profits is to stimulate this business; and the only way they can stimulate their business is to have the gentleman from California say there is a "Jap" around every corner, the

gentleman from Texas, "By God, a Mexican behind every cactus bush!" You know how it is. [Laughter.] "We have got to protect this country." And then if that does not work, they have got to yell "Communist" and "internal enemies." Well, as I said yesterday, Mr. Chairman, if we have to keep increasing Army appropriations for internal enemies, we are building for fascism or nazi-ism, not democracy.

[Here the gavel fell.]

Mr. McFARLANE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am heartily in favor of adequate national defense. I believe that we will never accomplish this end as to our air forces unless and until we follow the lead of every other great power in the world and enact legislation requiring a unified air force. As it is we now have about nine separate branches of the Government purchasing aircraft equipment and the two principal arms of national defense, the Army and Navy, each being primarily interested in their particular branch of the service, with the result that they have kept back our program in national defense in the air.

I have previously shown you by information inserted in the CONGRESSIONAL RECORD (p. 3864, 73d Cong., 2d sess.) how woefully weak our position in the air is compared to that of the other nations of the world. I have previously pointed out that practically all worth-while accomplishments and records in war-plane air performance are now held by foreign nations; that we have in this country today only two principal motor aircraft manufacturing concerns, Pratt & Whitney Co. and the Wright Aeronautical Co.; and that these two concerns sell both branches of the service, and have since 1926 sold them practically all of their aircraft engines. These motors are largely the same motors these concerns sell to our commercial lines at home and abroad.

I have previously placed in the RECORD charts showing interlocking hook-up of the different aircraft concerns in the Nation, which I think shows conclusively the existence of an "air trust"; also charts comparing the latest known performance of every war plane and war-plane engine in the world (see pp. 10044-10054, CONGRESSIONAL RECORD, 73d Cong., 2d sess.).

The recent hearings before the Committee on Patents at New York investigating cross licensing and patent pooling, and other information available, clearly shows to what extent these agreements under the Manufacturers Aircraft Association have permitted the Air Trust to completely control and dominate this industry. Something must be done to eliminate the evils existing under these cross-licensing and patent-pooling conditions, not only this industry but of many of the great industries existing of the Nation, such as radio, telephone, oil, shoe manufacturing, and other industries. These monopolies, secured and existing largely through Government-given patent rights and cross-licensing and patent-pooling agreements, should be broken up.

Investigations made of the operations of the aircraft industry convinces me that this industry has a stranglehold on the procurement divisions under the operation of existing law. The Aircraft Act of 1926 should be carefully amended and mandatory provisions written in the law requiring open competition in the procurement of all aircraft supplies and accessories. The law as it now reads is vague, indefinite, and uncertain, and allows the procurement branches of the Army and Navy large discretionary powers in the purchase of aircraft supplies.

In addition to that the Aircraft Act of 1926 made an exception and took out from under the General Accounting Office the authority which they have over all departments of Government except these two departments of saying whether or not such contracts entered into have been actually and specifically carried out according to the law. The Secretary of War and the Secretary of the Navy determine whether or not the provisions of this law have been complied with. The results under the Aircraft Act of 1926 show that according to the Comptroller's records, which I have inserted in the CONGRESSIONAL RECORD, pages 10038 to 10043, Seventy-third Congress, second session, that 92 percent of such equipment

in the Army and 91.3 percent of the Navy's aircraft equipment has been purchased without competitive bids.

Subsection K of section 10 of this act reads as follows:

The Secretary of War or the Secretary of the Navy may, at his discretion, purchase abroad or in the United States with or without competition by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army or the Navy, as the case may be, and if as a result of such procurement new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (J) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (a) to (e), inclusive, hereof.

While the Judge Advocate Generals of both the Army and Navy since the creation of this act have held that the act requires open competition, according to the Comptroller's records these Departments have not followed the rulings of the Judge Advocate General's Department. Since the above-quoted section and other sections of this act are not clear, we should amend same, writing mandatory provisions into the law requiring competition in the purchase of all aircraft equipment. Then we can correct the monopolistic system that has grown up under our patent law and the advantages taken of same by big business generally. We should have honest competition all the way up and down the line, which should save the taxpayers of this country in their purchases for the Government, as well as for themselves, hundreds of millions of dollars annually.

I trust that the House Military Affairs Committee will bring forward a bill amending this act, bringing about the results suggested.

Mr. ROGERS of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. ROGERS of New Hampshire. I hope the gentleman does not accuse me of being a member of any group or committee that has not been in favor of competitive bidding.

Mr. McFARLANE. No; I think the gentleman from New Hampshire has done as much as any Member of the House to try to get honest competition in the procurement of aircraft, but we have not been able to amend the law.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. McSWAIN. And give the gentleman from New Hampshire and some of the other members of the committee credit for making the Army Air Corps obey the act of 1926 and accomplish competition; and we are doing that now as the letter from the Secretary of War appearing on page 5 of the report dated August 15 last shows.

Mr. McFARLANE. I am glad to give the gentleman from South Carolina [Mr. McSWAIN], the chairman of the Military Affairs Committee, and the gentleman from New Hampshire [Mr. ROGERS] and his subcommittee full credit for their splendid work in bringing to light the methods of procurement in the Army which has had some effect in curbing their aircraft-procurement methods for the time being. I am familiar with the fight the gentleman from South Carolina [Mr. McSWAIN] and the now Speaker of the House [Mr. BYRNS] made at the time the Aircraft Act of 1926 was enacted to write into law provisions that would require competition. They thought they were enacting a law that would bring about this result, but time has shown that these departments have disregarded this law in the past.

Mr. McSWAIN. Exactly.

Mr. McFARLANE. The law is not clear.

Mr. McSWAIN. But they are tracking the law as it was intended they should.

Mr. McFARLANE. I understand that they are now, but they have not been in the past. You will remember that the procurement divisions of both the Army and the Navy have ignored the requirements of the law as to competition in the past and have only agreed to follow same since our investigation committees have exposed them. Who knows but what these procurement divisions will again disregard the law and buy their aircraft equipment without open com-

petition. The money being appropriated under this and other bills and allocated under W. P. A. funds amounts to millions of dollars. The mistake Congress made was in letting the War and Navy Departments construe their own contracts. We will never have satisfactory open competition on aircraft procurement until this law is rewritten and mandatory provisions written in defining step by step the kind and character of open competition required. The other leading foreign powers have adequately met this procurement situation, and we should be able to do likewise. They have yearly stepped up their requirements of performance until they have far excelled us in the performance of their war planes. They have competition. When they do not have competition they cross license their engines and manufacture their planes, and so forth, themselves.

As I have frequently stated, I think the law should be clearly written, so that there will be no question or doubt left as to the system of procurement, and all along the line we ought to have honest competition. The law is not clear on that now, and before we authorize any future expenditures of money we ought to clarify the Aircraft Act of 1926 so that we can get honest competition and bring our aircraft up to a point where it is comparable to other nations.

Mr. WOODRUM. Will the gentleman yield?

Mr. McFARLANE. I yield to the gentleman from Virginia.

Mr. WOODRUM. May I direct the gentleman's attention to the fact that in addition to the 565 new planes which the committee has provided, the Navy is given \$26,000,000 for 333 new planes, which will give the United States a total of approximately 1,000 new planes for the next fiscal year. This is vastly more than the available facilities will be able to manufacture and deliver to us.

Mr. McFARLANE. The gentleman is correct. However, as I see it, we should immediately set to work and amend existing law, making it mandatory to have open competition for all aircraft procurement under the supervision of the Comptroller's department. We should amend our patent laws so as to protect the inventors and the public against the cross-licensing and patent-pooling agreements existing, under which the different trusts are further enriching themselves at the expense of the public. This Congress will be derelict in its duty if it does not do this at this session. [Applause.]

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BOILEAU moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOILEAU. Mr. Chairman, in 1932 a high authority in the Navy Department made the statement that for national-defense purposes, for the purpose of protecting our frontiers, our harbors, and coast line, the Navy was practically useless. He further stated the only real defense that could be afforded against invasion was through land fortifications, mines, submarines, and the Air Corps. I am heartily in accord with his views in this respect. I assume that most of the Members of this body are also generally in accord with these views, because during the last few days when there has been talk about national defense, time after time Members have taken the floor and said that the real defense for this country and for our territories is through the air, through land fortifications, and so forth.

Mr. Chairman, the distinguished gentleman from Texas [Mr. BLANTON] the other day stated that so long as we have a sufficient number of 16-inch guns along our frontiers that could shoot 27 miles out into the ocean there would be no danger of foreign battleships attempting to invade our country. The gentleman from New Hampshire [Mr. ROGERS], who has made a study of the air situation and is an authority on that proposition, for whose opinion I have the highest regard, stated within the last day or two in debate on this floor that the air is now our first line of defense. How many times have we heard people say that the Navy is the first line of our defense? This statement may have been justified a few years ago. Today, however,

the air is our first line of defense and the Navy is practically obsolete.

Then, too, we have heard the gentleman from Arkansas, chairman of the subcommittee on War Department appropriations, state that he would prefer not to give an opinion as to the advisability of largely reducing the size of our Navy in favor of a larger air force. He did not give us the benefit of his opinion. We have heard the distinguished gentleman from South Carolina [Mr. McSWAIN], for whom every Member of the House has the highest regard, and who, as chairman of the Committee on Military Affairs, understands this entire problem of national defense, refer to the Italian bombing planes scaring away the fleet of another nation. He did not say it in so many words, but his argument convinced me, if I was not previously convinced, that the Air Corps and not the Navy is the force that is going to keep any navies away that might otherwise contemplate an invasion of this country. I have not heard anyone express a contrary opinion during the debate of the last few days. Yet distinguished and influential Members of this body, gentlemen who serve on the Military Affairs Committee, gentlemen who serve on this Appropriations Committee, have expressed the view, not directly but by inference, that airships make the Navy absolutely obsolete. I want to ask those gentlemen to be on the floor of the House when the Navy appropriation bill comes up for consideration. I ask them, I implore them, on behalf of economy and on behalf of national defense, to assist us in our effort to reduce the size of this obsolete Navy. Instead of rebuilding obsolete ships, let us take them out of commission. I want to say to you gentlemen who believe in an adequate air force that if you will help us to prevent useless expenditures for the construction and maintenance of a Navy that is out of date for defensive warfare, I, for one, will vote for five airplanes to replace every battleship you are willing to destroy, and will do so with the firm conviction that we will thereby be improving our national defense. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to commend my friend the gentleman from South Carolina [Mr. McSWAIN] for the unselfish and splendid work he has been doing for national defense. I happen to know that he spent most of his vacation, giving up his needed rest, his pleasures, and conveniences at home, and facing the dangers of the air in going about in planes over the United States checking up the needs and necessities of the Army. He has done a wonderful work.

But, he and our good friend over there want a well-balanced, well-coordinated national defense which does not depend altogether on the air or upon any other particular branch of the service. It does not depend altogether on the sea, and it does not depend altogether on the land. It depends upon all forces wisely balanced and coordinated.

Mr. Chairman, to be well balanced and well coordinated there has to be a proper air force for both offense and defense; there has to be a proper antiaircraft offense and defense; there has to be a proper coast defense. There has to be a proper infantry and a proper cavalry and a proper artillery. There has to be proper ordnance and munitions, both supply and storage. There has to be proper tank corps, and gas corps, both offense and defense. There has to be proper motorization and mechanization. There must be a well-balanced navy, both for offense and defense. All of the needed and necessary component parts of an adequate national defense must be well balanced and coordinated to be most effective.

There are numerous questions that enter into a properly balanced and a properly coordinated national defense. Who is better prepared to pass on these questions than high Army officers and high Naval officers who after a lifetime of study and experience give their best judgment to your committees? Who is better prepared to pass on these matters than the legislative Committees on Military and Naval Affairs and the subcommittees of appropriations that handle the Army bill and the Navy bill? Are they not better prepared to act on these questions after hearing the evidence and receiving the best judgment of our military and naval authorities than someone who has not had the

advantage of the testimony of these gentlemen who make a life study of such questions?

Mr. ROGERS of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Certainly; and I wish to commend also my friend the gentleman from New Hampshire for the splendid work he has done. It has been valuable, effective, unselfish work.

Mr. ROGERS of New Hampshire. I thank the gentleman, but I simply did not want any misapprehension about this matter. The gentleman does not mean the Committee on Military Affairs has approved this recommendation as made by the Appropriations Committee.

Mr. BLANTON. I mean merely that all of us are doing the very utmost we can for adequate national defense within the financial limitations with which we are restricted, considering the question as a whole—a well-balanced, coordinated national defense. Why, I may say that if this subcommittee, of which I am a member, which has brought in this bill now, for money to carry on the military establishment, could have done so, and if our Government now could have afforded the money, and if we were not circumscribed by Budget limitations, by the financial policy of the President, which we must take into consideration when we are voting money out of the Treasury, we would probably have placed additional items in this bill aggregating \$100,000,000 additional, which we think is absolutely necessary for adequate national defense. There are a whole lot of things that must be taken into consideration. Why, we need badly a proper air base, well manned, well equipped, well conditioned, up in the country near Fairbanks, Alaska. We need another such base in the Seattle country. About \$30,000,000 is needed for construction and housing. We need many things.

I will say to my friend from Wisconsin, Mr. BOILEAU, I did not say, as he intimated, that we could depend altogether on 16-inch guns. I meant merely that they were a needed component part of the well-balanced, coordinated national defense which our committee believed was absolutely necessary for our safety.

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks.

Mr. BOILEAU. Mr. Chairman, reserving the right to object, I have no desire to object to the gentleman's request to extend his remarks, but the gentleman started to refer to the gentleman from Wisconsin, and if he is going to make any such statement, I would like to have it made on the floor, and I therefore ask unanimous consent that he be given 2 additional minutes.

Mr. GRAY of Pennsylvania. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, I had already obtained permission to extend my remarks, but I have said all I care to say, hence will not avail myself of it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin.

The motion was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Hampshire, as modified.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of New Hampshire: Amend title I by striking out, on line 18, page 34, "\$59,397,714" and inserting "\$72,397,714"; and on line 21, page 34, strike out "\$41,055,925" and insert "\$54,055,925"; and strike out, on line 2, page 35, "\$29,322,602" and insert "\$42,322,602."

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. GRAY of Pennsylvania. Mr. Chairman, I object.

Mr. PARKS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

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Mr. KENNEY. Mr. Chairman, I rise in support of the Rogers amendment.

Mr. Chairman, I am going to vote for the Rogers amendment, and I hope it will prevail.

It must be obvious to Members of the Congress that aviation is not getting its proper consideration anywhere in this Government. It plays second fiddle to everything. It is second fiddle in the Army and in the Navy. It is second fiddle in the Department of Commerce and in our Post Office Department. Before aviation is properly recognized we shall have to set up a separate department of the Government devoted to the interests of aviation.

The gentleman from California has told you that we have many contracts outstanding for airplanes that are not being filled. Is the heart of the Army in aviation? The Army makes aviation subservient, as do all the other departments of the Government. We have got to wake up, because aviation is now our vital defense. You cannot call it the first line or the second line or the third line of defense; it is our real national defense.

This country is not invulnerable, and no country is today. Why? Because of the airplane. The plane has leveled mountains and dried up the seas. It can carry an attack upon us by remote nations practically overnight. We must have planes and plenty of them for our defense. The plane which can make daily contact between the Atlantic and Pacific and reach any part of the world within a week will do much to break down enmities and misunderstandings between nations and promote better relationships. But we should have them first of all for our own defense.

We must see conditions as they are. We realize the importance of a strong air force and the development of aviation, but we have been lax in aviation and in the method of dealing with it. When aviators and men interested in aviation come to Washington it is never to appear before an aviation body as such, but always to be confronted by a committee or body where aviation, all-important aviation, is an incidental or secondary consideration. We do not appreciate the state in which aviation finds itself.

Let us make the appropriations as provided in the Rogers amendment. This Congress will make no mistake if it votes for the amendment of the gentleman from New Hampshire [Mr. ROGERS], who has done so much in the interest of aviation. [Applause.]

Mr. RANDOLPH. Will the gentleman yield?

Mr. KENNEY. Yes.

Mr. RANDOLPH. Is it not a fact that a battleship costs more than two and a half times the amount called for in this amendment?

Mr. KENNEY. Yes; the gentleman is correct.

Mr. RANDOLPH. And is it not a further fact that this Congress can do no better service to the national-defense program and the protection of our homes than to now, and not when it is too late, provide for the necessary air force with which to safeguard our Republic from those who might attack us?

Mr. KENNEY. Absolutely; and I thank the gentleman for his contribution.

Mr. WOODRUM. Mr. Chairman, I do not believe there is any very serious difference of opinion in the Committee on the importance and desirability of building up our air force, both in the Army and the Navy.

I appreciate the enthusiasm and earnestness in which these gentlemen are advocating piling up money in this bill for new planes. If it were possible to get these planes, there might be some argument for it, but gentlemen must realize that this amendment is only a gesture.

Mr. ROGERS of New Hampshire. In the right direction.

Mr. WOODRUM. Yes; in the right direction, but still it is nothing but a gesture.

I have here a statement in my hand of 675 planes authorized and appropriated for undelivered today—23 pursuit planes contracted for in 1933 not yet delivered, and the actual list of them down the line. We provide in this bill for 565 new planes for the Army. That is 58 planes more than the Budget or the President, as Commander in Chief of the Army, asked for. If we appropriate in the next fiscal

year for 565 more, an orderly and conservative program, it will give us 1,882 planes, and under the law we are authorized to have only 1,648 planes.

Mr. ROGERS of New Hampshire. Mr. Chairman, will the gentleman yield for a question, in order to be fair?

Mr. WOODRUM. I yield when the gentleman says "in order to be fair."

Mr. ROGERS of New Hampshire. The gentleman should make a fair estimate of loss through attrition and otherwise.

Mr. WOODRUM. I am talking about new planes. We are giving you 565 new planes for the Army. If we give you 565 new ones next year, it is more than any airplane factory in America can make and deliver, and no one will deny that statement. In addition to that, we are giving you in the Navy bill \$26,000,000 for 333 new planes for the Navy, or approximately 1,000 new planes. Where is the man who can say that that is not an orderly and conservative program? Where is the man who can say that the Commander in Chief in the White House today is a leader who will starve the national defense of this country? However much you may disagree with some of his fiscal or political policies, certainly no one can say that the President of the United States, who has asked for this appropriation and which we are giving him, is not in favor of an adequate national defense. So I say, Mr. Chairman, there is no reason for us to become emotional today.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. BANKHEAD. Is it not a fact that at this time there are between forty and fifty million dollars authorized for airplanes still unexpended?

Mr. WOODRUM. Absolutely. There is a wide diversity of opinion here. I am not a member of this subcommittee, but this committee has given careful thought and the Budget has given careful thought to this matter. The committee, realizing the sentiment of the country for a stronger and better air force, has gone beyond the Budget estimates. I plead with the House, every Member of whom, as I say, must go back to his district when the time comes and answer for unnecessary appropriations, not to appropriate money where it cannot be used. It will be merely a gesture, and that is all. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired. The question is on the amendment offered by the gentleman from New Hampshire, which, without objection, the Clerk will again report.

There was no objection; and the Clerk again reported the amendment of Mr. ROGERS of New Hampshire.

The question was taken; and on a division (demanded by Mr. ROGERS of New Hampshire) there were—ayes 26, noes 63. So the amendment was rejected.

The Clerk read as follows:

REPAIRS OF ARSENALS

For repairs and improvements of ordnance establishments, and to meet such unforeseen expenditures as accidents or other contingencies may require, \$936,184.

Mr. BUCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCK: Page 41, line 4, strike out "\$936,184" and insert in lieu thereof "\$986,184."

Mr. BUCK. Mr. Chairman, the purpose of this amendment is to provide the sum of \$50,000 for the repair and improvement of the existing wharf at Benicia Arsenal, Calif. The wharf is in a bad state of repair and is in a dangerous condition. It has been an asset to the Government throughout its lifetime. Benicia Arsenal lies at the north end of San Francisco Bay, on the Strait of Carquinez. It is the only arsenal on the Pacific coast. Ordnance of all kinds is constantly moving into it and out from it. A great part of all goods that come into the arsenal is brought, at a saving to the Government, by water and landed at this wharf.

The original item, I believe, was requested by the Bureau of Ordnance. The subcommittee on War Department appropriations in its wisdom has seen fit to reduce the item

allowed for repairs of arsenals by over \$132,000,000, which, I am informed, will make it impossible to reconstruct or repair this wharf and may result in its abandonment. The present freight saving that is now earned for the benefit of the Government then could not be maintained.

I consider that this is a matter of economy and not a matter of extravagance or expense. After listening to some of the requests during the course of the debate on this bill running into millions and millions of dollars, I feel that perhaps I am only asking for a piece of small change this afternoon. But it is an important and necessary piece of small change. I am doing it in good faith, because I know the necessities of Benicia Arsenal, its importance to any scheme of coast defense, and the necessity of keeping this particular transportation facility open.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I have a great deal of sympathy for my distinguished friend from California [Mr. BUCK]. I am sure if his were the only item, the committee would not have hesitated to bring it in here. We have two books full of items awaiting appropriations. They are all meritorious items; but we cannot make fish of one and fowl of the other. For that reason, and that reason alone, I must express the hope that this amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BUCK].

The amendment was rejected.

The Clerk read as follows:

Civilians: For pay of employees, \$301,350.

Mr. COCHRAN. Mr. Chairman, I move to strike out the figures "\$301,350."

Mr. Chairman, on numerous occasions I have talked to the House with reference to the activities of the Military and Naval Academies insofar as football is concerned. I have had an exchange of letters with the superintendents of both academies time and time again. I have endeavored to show that no section of the country supports the Military Academy and that no section of the country supports the Naval Academy, but the people of the entire United States pay taxes to maintain the academies and train the boys. Of course, we are all proud of these two great institutions. However, when it comes to playing the annual football game between the two academies, it seems that the superintendents cannot get beyond a few miles of the Atlantic coast.

I notice in the hearings where General Connor says that they paid \$25,000 for the stadium in Philadelphia last year to play the Army-Navy game. In addition to that, they let them have 9,000 of the best tickets at the current price. I do not know what they sold those tickets for, and I am not saying that they sold them above the current prices, but I do know that if anybody around Washington had any tickets to the Army-Navy football game last fall they could have received \$25 a pair for them, as there was a big demand for tickets at any price.

Mr. Chairman, I believe there are other cities in the Union—Pittsburgh; Cleveland; Cincinnati; my own city, St. Louis; Detroit; Chicago; and other places—that have ample facilities to take care of the Army-Navy football game. I will guarantee now if they will come to St. Louis and play the Army-Navy football game it will not cost them a cent for a place in which to play the game.

There is no doubt in my mind but that the ball park can be secured for this purpose and that the owners would be glad to donate the park for that purpose. If they wanted rent, then I think public-spirited St. Louisians would see that the rent was taken care of, no matter what it might be. They can make just as much money, if not more money, because we will be willing to give them all the receipts. The people of the Middle West feel they are entitled to see the two teams play, and with our good roads and present transportation facilities there is no doubt but we would have a crowd of well over a hundred thousand people willing to pay to see the game.

Mr. KLEBERG. Will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. KLEBERG. I wonder if in this coming centennial celebration in the great State of Texas at Dallas, it would not be a wise proposition for both academies to visit that great State and play the Army-Navy football game there?

Mr. COCHRAN. I will say to the gentleman his section has just as much right to have the Army-Navy football game as has New York, New Haven, Philadelphia, Baltimore, or any other place. Of course, it would be wise, because it would be the best advertisement the Army and Navy could get. We from the Middle West, Southwest, and Rocky Mountain States support appropriations for an adequate national defense, and our people are entitled not only to see this football game but also the cadets and midshipmen on parade. Do not overlook the fact that the cadets and midshipmen are equally divided among the congressional districts throughout the country. Our section likewise furnishes many of the outstanding players. Why should we not be able to see them in action?

I have spoken on this question time and time again. General Connor has it in his head that they are not going to play this game anywhere except, as I say, along the Atlantic coast. I think it is time that those of us who come from other sections of the country, who support these bills, and whose constituents pay taxes the same as the people in the East, should make a fight to require the Army and Navy to play some place other than where they have been playing these games. I have been fighting for years to get them to come west. I am applauded when I make these speeches, but what are you doing to help break this policy of only playing in the East?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. BLANTON. The entire cadet force of West Point and the entire midshipmen force of Annapolis always want to see these games, and for them to attend at any great distance from the academies is onerous on them, and it costs a lot of money to travel and pay hotel bills. I imagine this is the sole and only reason the game is played at Philadelphia or New York.

Mr. COCHRAN. The gentleman says that is the sole and only reason. I will tell the gentleman what the sole and only reason is. According to General Connor, to play the games anywhere else would keep the boys away from their studies too long. He did not say a word about expense.

The Army and Navy annual football game pays all the expenses of the athletic activities at the Military Academy. The boys, of course, want to see the game and will be taken wherever it is played and at the expense of the academies, or I should say, the money will be taken from the receipts so it is not the expense that is involved. It is just a custom that has grown up and we should insist that they change their policy. Is General Connor and the Superintendent of the Naval Academy bigger than Congress? Why not serve notice that they must play elsewhere? I am going before the subcommittee when it considers the naval appropriation bill. I want them to talk to the new Superintendent of the Naval Academy on this subject. Why they are arranging their schedules several years in advance, and I was informed by a high-ranking officer of the Army that one of their reasons is to be able to say it is too late now we are booked up for so many years. That might be true as to the games they play with certain universities but as to the Army-Navy game we can change that anytime and possibly we can work out a limitation that we can put on one of these bills that will require them to change their established policy.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. It will only mean trouble for me to have the Army and Navy football game in St. Louis. I had one experience 10 years ago when they played the game in Chicago. I do not know how much money I lost buying tickets for St. Louisans. My friends thought I secured the

tickets for nothing. Nevertheless I will welcome the trouble. I insist that the Army and Navy officers have no right to say that the Army-Navy football game should be played only along the Atlantic seaboard, and I appeal to Members from the West, the Middle West, and the Southwest to wake up to this fact and bear down on the officials. [Applause.]

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on yesterday I asked my friend, the chairman of the subcommittee, if it were not true that the increase of Cadets at the Military Academy was made in contemplation of the increase of the officer personnel from 12,000 to 14,000 officers. I ask him now if it has not been the demand of the War Department for the last 8 or 10 years that the officer personnel be increased to 14,000?

I also asked my friend if it were true that if there were no increase in the number of officers contemplated there was no need for increasing the Cadet Corps, because, by his own statement, and I know it is correct, the average number of graduates for the last 8 years has been 278 a year, whereas the average separations from the service for the last 6 years have been 267. So there have not been sufficient separations for the last 6 or 8 years to enable all the graduates under the old authorized Cadet Corps strength to receive commissions; and we all know that for the last 7 or 8 years nobody could get a commission in the Army except a graduate of the Military Academy. But as I showed yesterday, due to the large number of separations from the service, over 800 during the 18 months prior to the 1st of January, and due to this alone, 52 graduates of the Air Corps training center at San Antonio, Tex., were able to get commissions, and one or two others got commissions. When the National Guard did not get any, when enlisted men in the Regular Army did not get any, one or two civilians got commissions in the Regular Army. I am just throwing this out as a query; maybe sometime we shall find out why they got them.

I submit, Mr. Chairman, that the purpose of increasing the Cadet strength was to raise the officer strength from 12,000 to 14,000. This is substantiated by reference to page 4 of the Report of the Secretary of War for 1935, where he states that to increase the enlisted strength to 165,000 would necessitate an officer strength of 14,000. We have increased the enlisted strength to date, it is admitted, by 29,000. If an increase of 47,000 enlisted men under the War Department study demanded 2,000 additional officers, then an increase of 29,000 enlisted men would demand 1,234 officers. That is the ratio, the old rule of three ratio; and the Secretary of War himself in his report expressly says that the increase of the Cadet Corps strength up to 1,960 would not supply the demands of the Army if it were raised to 165,000 enlisted men. What does he say? He says: "Hence, to provide any increase in commissioned strength it would be necessary to draw young men from civilian life." What source do they propose to draw from? General Craig, following General Pershing and following General MacArthur, made this statement—

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Chairman, General Craig, page 34 of the hearings, when asked about this Thomason bill, speaking of the value of civilian officers and those graduated from the R. O. T. C., said:

They would be most valuable for two reasons: First, it would help our crying need for officers—

That is what they have been crying for for 8 or 10 years. That is why my friend wanted to increase the cadet strength last year—

In the second place, if you take the 100 best qualified officers in the Regular service, in my opinion, you will find about an equal proportion of them come from civilian sources.

In other words, General Craig says, in effect, that of the best officers in the Army half of them are not from the Military Academy. He says—and I agree with him—that we must have the Military Academy. I am suggesting that the 50-50 ratio that General Pershing and General MacArthur demanded, and that General Craig stands for, is the right ratio.

Mr. Chairman, the statement is made: "That is all right; we agree with you, but do not start now." These boys from the R. O. T. C. colleges all over the country are in your State and my State. You know the boys. They have been asking you for commissions in the Regular Army ever since the bill passed last summer. If we do not start now and give them a chance now, they will never have a chance, because in 1939 there will be 636 boys, provided some do not fall by the wayside, and assuming there is a 10-percent leakage, there will be nearly 600 boys, graduate in the class of 1939 from the Military Academy. If there are only 254 vacancies by attrition, and if we are not going to increase the authorized strength, then some of these West Point boys will not get a chance for a commission. The next year after that, 1940, there will be 665 graduate, unless some of them fall by the wayside; and if 10 percent fail, there will be about 600 graduates hungry for commissions.

Mr. WADSWORTH. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman from New York.

Mr. WADSWORTH. Do I understand that we can expect, after the increment from West Point has been in effect 2 or 3 years, we are to have over 600 graduates a year?

Mr. McSWAIN. That is true for the first 2 years, because they came in on a hump. For those 2 years we will have an average of 600.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I think we have gone as far as we should with the reading of the bill this afternoon. Therefore, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 11035, the War Department appropriation bill, had come to no resolution thereon.

RULES OF THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, as one opposed to gag rules, I have just signed the petition to bring the Frazier-Lemke bill before the House for consideration.

The old Cannon rule permitted the absolute smothering of a bill by committee. This rule was changed when the House voted for a rule permitting a bill to be brought out if 145 Members requested it. This rule was later amended so as to require 218 signers to bring out a bill.

Here we have a measure which meets with the approval of a great majority of the membership of the Committee on Agriculture, which had the bill for consideration; that Committee unanimously requested the Rules Committee to provide a rule to bring the bill out of the clogged-up morgue of House bills from which it is absolutely impossible for a bill to be brought before the House for action; the Rules Committee did not report the rule. Those sponsoring the bill have had, for months and months, within one or two or three of the required number of signers to bring the bill forth, and have frequently had a sufficient number of signers to bring it out when some influence was brought to bear upon signers to withdraw their names.

Under those circumstances, it is incumbent upon those opposed to gag rules to sign this petition. In signing it a Member is not bound to vote for the measure. At this moment I feel that I shall not vote for it, but I am opposed to the stifling of the bill by any group. The bill should be brought out and fully discussed and acted upon.

The House of Representatives has always been considered to be the popular branch of Congress. It is supposed to be close to the people, its Members being returned to office every 2 years. Legislation is always limited to a 2-year session of a Congress. Therefore, any legislative act must be completed within 2 years.

Here is a bill that comes from the people with the solid congressional delegations of well over 20 States having signed the petition to let the measure come out on the floor. Thirty-one State legislatures have memorialized Congress to consider this legislation. The great agricultural States of the country, primarily interested, are either solidly behind it or have a majority of their Representatives favoring it. The Senate committee holds hearings and votes the bill out unanimously. The House Committee on Agriculture has hearings and votes the bill out 18 to 5. The House committee petitions the Rules Committee to "bring out a rule" which will entitle the measure to open debate. The Rules Committee refuses this request. The 14 members of the Rules Committee have not a majority favoring this legislation. Therefore, 8 of them can, under ordinary circumstances, defeat the will of farm organizations, the petitions of State legislatures, the solid representations of over 20 States in the House, and liberal elements in all States who want a discussion of this measure.

I understand it is an ancient custom for the chairman of a committee not to petition to bring out a bill and discharge another committee. There are 42 committee chairmen in the House. However, 17 chairmen have broken this tradition and have signed the petition for this bill.

So my great popular measure may be smothered, not by the requirement that a committee deliberate on it and vote it out—which is right—but by the additional requirement that a single committee of 14, the Rules Committee, charged with the day-to-day legislative program, may defeat the open discussion of legislation until 218 free from tradition and free from custom vote it out.

President Roosevelt, when he was Governor of New York, made a beautiful and powerful statement outlining the way in which bills are stifled. He did not mention this method, because it was not within his vision, as a Governor, that 8 Members out of 435 could kill a bill.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INDIAN SCHOOLS (H. DOC. NO. 409)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without approval, H. R. 8515, "An act to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children."

The bill authorizes the use of \$10,000 "from any moneys now available and applicable, or that may become applicable hereafter available, for construction under provisions of the National Industrial Recovery Act." No provision is made for repayment of the amount expended for the improvements. It appears that the taxable real estate in the school district involved is valued at \$302,888, and the valuation of nontaxable Indian land is \$16,000. The enrollment in the school in question during the last year was approximately 200, including only 9 Indian children. Tuition was paid for the Indian pupils at the rate of 30 cents a day. It will be noted that less than 5 percent of the enrollment is composed of Indian children, and the value of nontaxable land in the district is only 5½ percent of the total value. This in itself is sufficient to warrant disapproval of the bill. There is another objection, however, which I desire to bring to the attention of Congress.

During the first session of the Seventy-fourth Congress a number of similar bills were passed and presented to me for signature. I was somewhat reluctant to approve those bills because they provided direct grants from Federal money and made no provision for reimbursement to the United States. Furthermore, improvements would be located on land, title to which was not in the United States, and in

many instances on land outside of the boundaries of Indian reservations. Upon completion of the buildings the Indian Service would continue to pay tuition from Federal funds for each and every child attending these schools. It seemed to me that the Federal Government should not be required to advance funds for capital investments and continue thereafter to pay the same liberal tuition rates for the Indian children accommodated in these schools. Thereafter, when estimates were submitted to Congress pursuant to the authorizations contained in the numerous bills passed, provision was made for reimbursement of the capital investment over a period of 30 years, without interest, either through reduction in annual tuition payments or the acceptance of Indian children in those schools without payment of tuition. Congress, in its review of the matter, went even farther and directed that interest at 3 percent should be collected on all unpaid balances.

I am informed that the school districts involved have been somewhat reluctant to accept the requirements laid down in the Second Deficiency Act, fiscal year 1935, and until public-school districts indicate a willingness to repay amounts advanced for enlargement of local public-school facilities, legislation such as that contained in H. R. 8515 should not be enacted.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, February 13, 1936.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move that the bill and the message be referred to the Committee on Indian Affairs and ordered printed.

The motion was agreed to.

SUPPLEMENTAL REPORT ON MEXICAN-AMERICAN CLAIMS COMMISSION

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to submit a supplemental report on the bill (H. R. 10670) to amend section 11 of Public Law No. 30, approved April 10, 1935, to establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States, concluded April 24, 1934.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is this bill?

Mr. McREYNOLDS. The bill has to do with Mexican claims division. I reported on this matter a few days ago, but did not have the report complete. I desire to file a supplemental report.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. STARNES. Mr. Speaker, I have introduced today a bill with reference to immigration, and ask unanimous consent to proceed for 3 minutes and to include the bill as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STARNES. Mr. Speaker, a proper solution of our immigration problem deserves the serious consideration of the Congress and every American citizen. According to the 1930 census there were 14,204,149 foreign born in the United States, of whom 6,284,613 were aliens who had failed to make the slightest gesture toward becoming citizens. The foreign-stock population at that time was 40,286,278, a third of our total population. This was the largest number in the history of the Nation.

During the past 10 years of quota-law restriction, during which the world has undergone the most serious economic depression in its history, 3,687,547 aliens have entered the United States, of whom 2,010,896 were new immigrants.

At least one out of every eight persons on relief in this country is an alien. Our relief agencies make no distinction between American citizens and aliens in administering relief. The Social Security Act makes no distinction in the application of its terms between American citizens and aliens. Hundreds of thousands of aliens are holding jobs in America, drawing hundreds of millions of dollars in wages, which are rightfully the heritage of American citizens. Alien criminals who are roving at large and preying upon American citizens should be deported. We are unable to check upon the number of aliens at large or the number coming into this country for lack of an alien-registration act.

In order to protect our wage standards, our living conditions, and our American institutions, and to reduce the relief burden, alleviate social conditions, remove our alien criminal population, and provide for an alien-registration act, I am introducing today a bill to be called the Immigration and Alien Registration Act of 1936.

This bill will (1) reduce immigration, (2) authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, (3) prohibit the separation of families through the entry of aliens leaving dependents abroad, (4) provide for the prompt deportation of habitual criminals and all other undesirable aliens, and (5) to provide for the registration of all aliens now in the United States or who shall hereafter be admitted.

We must enact and enforce immigration laws which will place the welfare of America and Americans first. No other country pets and molycoddles its alien population as we do. Other countries take the proper and sensible view that in a country with established government and institutions for the promotion of the welfare of its citizens that these citizens are entitled to first consideration in every respect. America is no longer a wilderness to explore and conquer, nor a utopia for foreign exploitation. Let us therefore guard, protect, and preserve our own.

The bill to which I have referred is as follows:

H. R. 11172, Seventy-fourth Congress, second session
February 13, 1936

Mr. Starnes introduced the following bill (H. R. 11172):

A bill to further reduce immigration, to authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, to prohibit the separation of families through the entry of aliens leaving dependents abroad, and to provide for the prompt deportation of habitual criminals and all other undesirable aliens, and to provide for the registration of all aliens now in the United States or who shall hereafter be admitted

Be it enacted, etc.

TITLE I

SECTION 1. That an alien who entered the United States either from a foreign territory or an insular possession, either before or after the passage of this title, shall be promptly deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917, as amended, regardless of when he entered, if he:

(1) At any time after entry is convicted of an offense which may be punishable by imprisonment for a term of 1 year or more, or of a crime involving moral turpitude, or convicted of two misdemeanors even though a sentence of imprisonment may not have been imposed for either offense; the said deportation to be made by the Secretary of Labor forthwith at the time he is released from confinement, or placed upon probation, or is pardoned; except that in the case of a misdemeanor, the Secretary of Labor may suspend deportation for a period not to exceed 12 months pending action by Congress on a recommendation that permission be granted the alien to continue his residence in the United States on good behavior; but nothing in this section shall be interpreted to exempt any alien from deportation who has entered the United States in violation of the immigration laws; or

(2) Has been convicted of possessing or carrying any concealed or dangerous weapon; or

(3) Knowingly possesses or carries any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot without manual reloading by a single function of the trigger; or

(4) Has been convicted of violation of a State narcotic law; or

(5) Knowingly encouraged, induced, assisted, abetted, or aided anyone to enter, or try to enter, the United States in violation of law; or

(6) Has been engaged in espionage for a foreign government.

Sec. 2. (a) That any alien or group of aliens, whose presence in the United States is proclaimed by the President to be inimical to the public interest, shall, upon warrant of the Secretary of Labor, be taken into custody and deported forthwith.

(b) Whenever the President shall proclaim an emergency to exist in the United States the Secretary of Labor shall take into custody all aliens subsisting upon public or private relief and deport them forthwith to the country of their origin: *Provided, however*, That if any alien desires to leave voluntarily for the country of his origin, or for another country, the Secretary of Labor is authorized to facilitate such voluntary departure.

Sec. 3 (a) That from and after July 1, 1936, the quota in the case of any nationality for which a quota has been determined and proclaimed under the Immigration Act of 1924, as amended, shall be 10 percent of such quota, but the minimum quota of any nationality shall be 100. From and after July 1, 1936, no immigration visas shall be issued under subdivision (c) of section 4 of the Immigration Act of 1924, but all the provisions of the immigration laws shall be applicable to immigrants born in any of the geographical areas specified in such subdivision as if each of such areas had at that time a quota equal to 10 percent (but not less than 100) of the number of nonquota immigration visas issued, during the fiscal year ending June 30, 1930, to immigrants born in such areas: *Provided, however*, That reciprocal arrangements may be entered into by the Department of State and the Department of Labor with the Dominion of Canada, Newfoundland, and Mexico whereby as many immigrants born in foreign contiguous territories as are admissible under the immigration laws of the United States, to continental United States are admitted to the United States annually as persons born in the United States are annually admitted into their respective countries.

(b) Section 6 of the Immigration Act of 1924, as amended, is further amended to read as follows:

"Sec. 6 (a). Immigration visas as to quota immigrants shall be issued in each fiscal year, as follows:

"(1) Seventy-five percent of each nationality for such year shall be made available in each year for the issuance of immigration visas to the following classes of immigrants: (A) Quota immigrants who are the fathers or the mothers or the husbands by marriage occurring after January 1, 1933, of citizens of the United States who are 21 years of age or over; and (B) quota immigrants who are unmarried children under 21 years of age, or the wives, or husbands, or the mother, or the father, of alien residents of the United States who were lawfully admitted to the United States for permanent residence.

"(2) Any portion of the quota of each nationality for such year not required for the issuance of immigration visas to the classes specified in paragraph 1, shall be made available in such year for the issuance of immigration visas to other quota immigrants of such nationality.

"(b) The preference provided in paragraphs 1 and 2 of subdivision (a) shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right of preference is established, if the number of immigration visas which may be issued in any such month to quota immigrants of such nationality has not already been issued; otherwise in the next calendar month."

Sec. 4. That from and after July 1, 1936, no immigration visa shall be issued to any married applicant for entry into the United States unless, at the time of application, he or she applies for visas for all dependents admissible as nonquota immigrants or entitled to preferences within the quotas under immigration acts in force at the time of the passage of this title: *Provided, however*, That nothing in this section shall exclude a child born in transit after issuance of a visa to a parent.

Sec. 5 (a). That from and after July 1, 1936, no immigration visa shall be issued to any applicant who shall fail to pass an intelligence test equivalent to, or higher than, a normal rating of an average sampling of native-born American white stock or whose reputation or personal characteristics in the judgment of the consul would render the applicant not readily assimilable among the preponderant element of the population of the United States.

(b) That if any member of a family fails to meet the requirements of subsection (a) of this section that fact shall exclude the whole family from admission to the United States.

Sec. 6. That the President may in his discretion direct the Secretary of State to deny a visa to any alien whose presence in the United States as a visitor or for permanent residence he deems inimical to the public interest, and it shall be the duty of the Secretary of State to bring to the attention of the President applications for entry by any person or persons not otherwise excluded whose activities or reputation fall within the purview of this section.

Sec. 7. That the ninth proviso of section 3 of the Immigration Act of February 5, 1917, be amended to read as follows:

"That the Commissioner of Immigration, with the approval of the Secretary of Labor, shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission solely for the purpose of receiving medical treatment not obtainable at an immigration station pending deportation."

Sec. 8. That section 1, subsection (a), of the act approved October 16, 1918 (40 Stat. 1012), as amended by the act approved June 5, 1920 (41 Stat. 1008), be amended to read as follows:

"(a) Aliens who are anarchists or Communists or aliens who are affiliated with any organization associated directly or indirectly with the Third International.

Sec. 9. That if any alien has been arrested and deported in pursuance of law he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this title; and if he enters or attempts to enter the United States after the enactment of this title he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise provided by law, be punished by imprisonment for not more than 2 years or by a fine of not more than \$1,000 or by both such fine and imprisonment: *Provided*, That this title shall not apply to any alien who has prior to its enactment obtained the lawful permission of the Secretary of Labor to reenter the United States and has reentered or who arrives in the United States with such permission within 60 days after this title becomes effective. For the purposes of this section any alien ordered deported (whether before or after the enactment of this title), who has left the United States, shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which deported. Section 7 of the act entitled "An act to further amend the naturalization laws, and for other purposes", approved May 25, 1932, is hereby repealed.

Sec. 10. The Secretary of Labor may specifically designate persons holding supervisory positions in the Immigration and Naturalization Service to issue warrants for the arrest of aliens believed to be subject to deportation under this or any other statute: *Provided*, That no person shall act under a warrant issued by himself.

Sec. 11. Any employee of the Immigration and Naturalization Service shall have power to detain for investigation any alien who he has reason to believe is subject to deportation under this or any other act. Any alien so detained shall be immediately brought before an immigrant inspector designated for that purpose by the Secretary of Labor and shall not be held in custody for more than 24 hours thereafter unless prior to the expiration of that time a warrant for his arrest is issued.

Sec. 12. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this title.

Sec. 13. The foregoing provisions of this title are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as part of such laws. An alien, although admissible under the provisions of this title, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this title, and an alien, although admissible under the provisions of the immigration laws other than this title, shall not be admitted to the United States if he is excluded by any provision of this title.

Sec. 14. Any person who violates or knowingly aids or assists another to violate or attempt to violate, or who conspires to violate, or conspires with any person to violate, any provision of the immigration laws for which a specific penalty is not provided, shall be deemed guilty of a felony, and on conviction thereof be punished by a fine of not more than \$10,000, or by imprisonment for not more than 5 years, or both.

Sec. 15. Terms defined in the Immigration Act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

TITLE II

Sec. 201. There is hereby established an interdepartmental committee to be known as the Alien Registration Board, and herein after referred to as the Board, which shall be composed of one representative designated by the Secretary of State, one representative designated by the Attorney General, one representative designated by the Postmaster General, and one representative designated by the Secretary of Labor. The representative designated by the Secretary of State shall be ex-officio chairman of the Board.

Sec. 202. That the heads of the departments hereinbefore mentioned may temporarily assign other members of their departmental staffs to render expert advice or assistance to the Board: *Provided, however*, That no person designated as a member of the Board or as an expert attached thereto shall receive additional compensation to that which he already receives.

Sec. 203. That it shall be the duty of the Board to prescribe rules, regulations, forms, and procedure for the taking of a Nation-wide official registration and fingerprint record of all aliens now in the United States, except that diplomatic representatives of foreign nations and consular officers and members of their official staff duly accredited or recognized as such by the Government of the United States, and officials of foreign governments traveling under diplomatic passports shall be exempted from the provisions of this title.

Sec. 204. That no immigration visa shall be issued to any alien seeking to enter the United States unless said alien has been fingerprinted, in triplicate: one copy of the fingerprint record to be utilized by the consul in ascertaining whether or not the person making application for entry is the person whose name is set forth in the application and whether or not the applicant has a criminal record or other statutory disqualifications which would exclude him from entering the United States; the second copy of the fingerprint record to be attached to the alien's immigration visa to provide for verification of the immigrant's identity upon arrival at a port of entry of the United States; and the third copy of the fingerprint record, together with such other information as may be required by the Board, to be sent directly to the Division

of Identification of the Department of Justice for filing in the alien section of its noncriminal records.

SEC. 205. That on July 1, 1936, or at the earliest possible date thereafter, the President shall proclaim the rules and regulations under which every alien shall apply for registration at a United States post office and be finger printed, and supply such other information as may be called for by the Board respecting the alien's status, occupation, duration of stay, and intention to remain or depart from the United States. Upon registration, which shall be in duplicate, one copy shall be mailed to the Commissioner of Immigration and Naturalization, of the Department of Labor, Washington, D. C., and the second copy shall be mailed to the Director of the Division of Identification of the Department of Justice, Washington, D. C., for filing in the alien section of its noncriminal records. The Commissioner of Immigration shall issue a registration card to each alien registrant bearing a distinctive number and copy of the finger prints of the alien, the said registration card to be mailed to the address given by the alien upon registration.

SEC. 206. That the postmaster in any United States post office, or any employee in such post office designed by him, at which a registration shall be filed, shall collect a fee of \$1 for each first registration, and subsequently 50 cents for each renewal thereof. The funds so collected shall be turned into the general fund of the Treasury in such manner as may be prescribed by the Board.

SEC. 207. That it shall be the duty of every alien in the United States, who has been registered as hereinbefore provided, to notify the Commissioner of Immigration and Naturalization of the United States of every change of address, with a statement as to whether the change of address is permanent or temporary. If the change of address is permanent, it shall be the duty of the alien to turn in his registration card at the nearest post office and make application in accordance with regulations prescribed by the Board for the issuance of a new card; and every alien in the United States shall renew his registration annually at such dates as may be designated on his registration card.

SEC. 208. That it shall be the duty of the Postmaster General, with the assistance of the Attorney General, to provide for instructions whereby postal employees may be instructed in the manner of taking fingerprints upon sensitive paper approved by the Division of Identification of the Department of Justice.

SEC. 209. That the Attorney General shall instruct the Director of the Division of Identification of the Department of Justice to create a section in the Bureau of Identification to be known as the section of alien registration.

SEC. 210. That the board immediately upon its creation shall prepare estimates of appropriations necessary for putting into effect the provisions of this title and shall submit the same to the heads of the Departments referred to in section 201 of this title, for transmittal to the Director of the Budget with a recommendation for immediate action upon such supplementary appropriations as may be required.

SEC. 211. That any alien who shall fail to comply with the provisions of this title shall be punished by a fine of not more than \$1,000, or imprisonment of not more than 1 year, or both, and upon the payment of the fine or the completion of sentence, the alien shall be taken into custody on a warrant issued by the Secretary of Labor, and deported forthwith from the United States.

SEC. 212. This act may be cited as the Immigration and Alien Registration Act of 1936.

EXTENSION OF REMARKS

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend the remarks I made in the Committee today and include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have permission to sit during the sessions of the House for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE TOWNSEND PLAN

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend in the Appendix of the RECORD a very brief statement on the Townsend plan, made by Mr. Stuart A. Rice, Chairman of the United States Central Statistical Board.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement by

Mr. Stuart A. Rice, Chairman of the United States Central Statistical Board, on the Townsend plan:

IS THE TOWNSEND PLAN PRACTICAL?

(By Stuart A. Rice, acting chairman of the United States Central Statistical Board, in presiding at a joint meeting of the American Statistical Association and the American Association for Labor Legislation, at Commodore Hotel, New York City, Dec. 28, 1935)

Dr. Townsend's demand for a revision of the science of arithmetic by law gives special timeliness to this discussion. Behind him is a long line of illustrious precedents. There have always been men who demanded that human will be elevated above fact, above reality, or above natural law. Sometimes the effort has succeeded. We are told that the seas parted for the children of Israel at the command of Moses. More often the attempt has failed. King Canute, possibly through lack of votes or the right statistical control, did not persuade the tides to obey his command. More recently there have been proposals to abolish history, but history has not yet disappeared. I anticipate the same with respect to the multiplication table which the Townsend plan, with the most commendable of motives would supplant.

Nevertheless it may be necessary to give some thought to this laudable proposal in connection with the topic we are discussing today. Whether old-age pensions are "worth their cost" requires some initial definition. What old-age pensions do we mean? The Townsend old-age bonanzas, or the carefully devised schedules of benefits and annuities permitted under the Social Security Act? And what kind of costs are we talking about? Fiscal only? Or in addition, the human costs of a scheme so cruelly mischievous, so crassly unworkable, so filled with possibilities of wreckage as the good Dr. Townsend and his assisting high-pressure promoters are seeking to foist on this country?

The possibilities of the Townsend plan will be more apparent if we try to estimate its effect had it been in operation since 1929. Let us assume for this purpose that it had not disrupted the economic order, as many think it would do. With equal fairness, let us assume that it had not produced the magical results witnessed by its devotees in their peyotelike visions. In other words, let us assume that the national income had remained the same. On this basis, what redistributions of national income would the Townsend plan have effected? How much would have gone for pensions? What would have been the incomes of nonpensioners, after the pensioners had taken their allotted portions?

According to the Fifteenth Census, the United States in 1930 contained a total of 10,385,026 persons 60 years of age and over. The numbers for 1929 and for 1931-34, inclusive, must be estimated.

I. Estimated number of persons 60 years of age and over

1929	10,120,000
1930	10,385,026
1931	10,650,000
1932	10,915,000
1933	11,180,000
1934	11,445,000

Each of these persons is to receive \$200 per month, or \$2,400 per annum. The amounts required for the years 1929-34 would be as follows:

II. Total pensions, at \$2,400 per person

1929	\$24,288,000,000
1930	24,924,000,000
1931	25,560,000,000
1932	26,196,000,000
1933	26,832,000,000
1934	27,468,000,000

Each and every year it would be necessary to raise sums of this magnitude by some form of taxation. Presumably these taxes would come from national income, since borrowings or accumulated capital could not long suffice. The following estimates of national income paid out were originally prepared by the Bureau of Foreign and Domestic Commerce in cooperation with the National Bureau of Economic Research, and as later revised are taken from the November 1935 issue of the Survey of Current Business:

III. Estimated national income paid out

1929	\$78,632,000,000
1930	72,932,000,000
1931	61,704,000,000
1932	48,362,000,000
1933	44,940,000,000
1934	50,189,000,000

The amount of the national income left over for the remainder of the nonpensioned population under 60 years of age will be the remainder of the items in III less the corresponding items in II:

IV. Estimated national income remaining for the nonpensioned population

1929	\$54,344,000,000
1930	48,008,000,000
1931	36,144,000,000
1932	22,166,000,000
1933	18,108,000,000
1934	22,721,000,000

The actual or estimated numbers of the nonpensioned persons under 60 years of age among whom this remainder of the national

Income is in each year to be distributed have been obtained in the same way as for the older population shown in I:

V. Estimated number of persons under 60 years of age

1929	110,990,000
1930	112,390,020
1931	113,200,000
1932	113,719,000
1933	114,295,000
1934	114,797,000

From IV and V, therefore, we may derive the per-capita annual income for the population under 60 as compared with the \$2,400 per annum for those of ages 60 and above:

VI. Per-capita incomes

	Pensioners	Nonpensioners
1929	\$2,400	\$490
1930	2,400	427
1931	2,400	319
1932	2,400	195
1933	2,400	158
1934	2,400	197

In other words, to employ the phraseology of Dr. W. S. Woytinsky, the Townsend plan would create a new privileged class, receiving Government pensions in amounts 5 to 15 times higher than the average income of the remainder of the population. And these pensions are in addition to any income that they may receive from other sources. To the extent that such supplemental income is received by this privileged class, in addition to its pensions, the amounts of the national income available for non-pensioners, as shown in VI above, would be correspondingly reduced.

Attention has been called by other critics to the pyramiding effect on prices of the proposed 2 to 3 percent tax on transactions, upon which Dr. Townsend depends for funds to pay the pensions. The possible yield from such a tax has not been so extensively considered. Careful estimates by Dr. Woytinsky indicate that the total volume of transactions subject to the proposed tax would probably not be far from the following figures:

VII. Transactions subject to tax

1929	\$200,000,000,000
1930	170,000,000,000
1931	135,000,000,000
1932	100,000,000,000
1933	95,000,000,000
1934	105,000,000,000

It is difficult to estimate realistically the rate of tax upon these transactions that would have been necessary to provide the \$200 pension for aged persons. Each successive tax would actually have raised the price involved in the next transaction, with the effect of compounding tax upon tax upon tax. The higher prices forced by successive taxes would increase the total money volume of transactions and, hence, lower the tax rate upon them.

If we stick to our assumptions, however, the physical volume of transactions and prices would have remained the same, and the rates of tax upon transactions would have been not 2 or 3 percent but in the neighborhood of the following:

VIII. Transactions tax necessary to pay pensions

	Per cent
1929	12
1930	15
1931	19
1932	26
1933	28
1934	26

To reasonable men and women the preceding figures will be plain. I shall not attempt to weaken their damning implications for the Townsend plan by further exposition or moralizing.

Mankind will always confront difficult and delicate problems associated with advancing age. The elderly must adjust themselves to an unwelcome but unavoidable dependency, physical and often financial. Within the intimate family group these adjustments deserve the tender patience and the ungrudging self-sacrifice of those who retain their vigor and their earning capacity. Within the broader structure of organized society the problems of age deserve the devoted solicitude and the generous provision of aid by the State itself.

But to take advantage of the emotions evoked by these desperately human problems to perpetrate a fraud upon old and young alike—what shall I say of it? I leave you to supply the appropriate expletives.

KALAMAZOO FEDERATION OF LABOR

Mr. MAIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a telegram of this date received from the Kalamazoo Federation of Labor.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The telegram referred to follows:

KALAMAZOO, MICH., February 13, 1936.

Representative VERNER MAIN,

House of Representatives:

Kalamazoo Federation of Labor strongly urges adoption of amendment to Army appropriation bill prohibiting use of Federal arms and equipment by militia in industrial disputes without formal authorization from Washington, and asks this wire be read into RECORD.

KALAMAZOO FEDERATION OF LABOR,

A. P. NEVINS,

Chairman, Education Commission.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HARLAN, for 5 days, on account of congressional business in his district.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10929. An act to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3612. An act to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10929. An act to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

ADJOURNMENT

Mr. PARKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until tomorrow, Friday, February 14, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

666. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the legislative establishment, House of Representatives, for the fiscal year 1937, amounting to \$3,250 (H. Doc. No. 408); to the Committee on Appropriations and ordered to be printed.

667. A letter from the Administrator of the Federal Housing Administration, transmitting the second annual report on the operations of the Administration under titles I, II, and III of the National Housing Act for the calendar year 1935 (H. Doc. No. 358); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GOLDSBOROUGH: Committee on Banking and Currency. H. R. 11047. A bill relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by Reconstruction Finance Corporation and reaffirming their immunity; without amendment (Rept. No. 1995). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 3013. A bill to provide for the construction and operation of a vessel for use in research work with respect to Pacific Ocean fisheries; with amendment (Rept. No. 1996). Referred to the Committee of the Whole House on the state of the Union.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 11073. A bill granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a free highway bridge across the Current River at or near Powder Mill Ford on Route No. Missouri 106, Shannon County, Mo.; without amendment (Rept. No. 1997). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. House Joint Resolution 488. Joint resolution to close Military Road; with amendment (Rept. No. 1998). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 11138) to extinguish tax liabilities and tax liens arising out of the Tobacco, Cotton, and Potato Acts; to the Committee on Agriculture.

By Mr. McSWAIN (by request): A bill (H. R. 11139) to prohibit bands of the United States Army, Navy, Marine Corps, and Coast Guard from furnishing music on occasions beyond the scope of their service duty; to the Committee on Military Affairs.

Also, a bill (H. R. 11140) to provide more effectively for the national defense by further increasing the effectiveness and efficiency of the Air Corps of the Army of the United States; to the Committee on Military Affairs.

By Mr. RANKIN (by request): A bill (H. R. 11141) prohibiting the use of the Veterans' Administration facilities for furnishing medical and hospital care to persons not eligible; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 11142) authorizing and directing the Administrator of Veterans' Affairs to furnish to men discharged from the Army, Navy, Marine Corps, or Coast Guard who are suffering from service-connected disabilities, and who reside in foreign countries and are citizens of the United States, medical and hospital treatment; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 11143) fixing the effective date of an award of compensation, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. LAMNECK: A bill (H. R. 11144) to require certain employees of the Postal Service to work on Saturday and to allow compensatory leave for such work; to the Committee on the Post Office and Post Roads.

By Mr. McCORMACK: A bill (H. R. 11145) to expedite the dispatch of vessels from certain ports of call; to the Committee on Merchant Marine and Fisheries.

By Mr. BOYLAN: A bill (H. R. 11146) to provide Federal aid to States, municipalities, and political subdivisions of States for carrying out projects for housing for families of low incomes, and for other purposes; to the Committee on Appropriations.

By Mr. HILL of Alabama: A bill (H. R. 11147) for the relief of the State of Alabama; to the Committee on Military Affairs.

By Mr. HOPE: A bill (H. R. 11148) to provide annuities for certain widows of employees and retired employees of the United States and the District of Columbia; to the Committee on the Civil Service.

By Mr. McSWAIN (by request): A bill (H. R. 11149) to amend the National Defense Act of June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. BARRY: A bill (H. R. 11150) to reduce the rate of interest on obligations of homeowners to the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

By Mr. PIERCE: A bill (H. R. 11151) to amend section 401 of the act entitled "An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes", approved June 15, 1935; to the Committee on Agriculture.

By Mr. McMILLAN: A bill (H. R. 11152) to extend the retirement privilege to the Director, Assistant Directors, in-

spectors, and special agents of the Federal Bureau of Investigation; to the Committee on the Civil Service.

By Mr. KLOEB: Joint resolution (H. J. Res. 491) extending and amending the joint resolution (Public Res. No. 67, 74th Cong.) approved August 31, 1935; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON of Wisconsin: A bill (H. R. 11153) to correct the naval record of William Arthur Johannsenn (deceased); to the Committee on Naval Affairs.

By Mr. CREAL: A bill (H. R. 11154) granting an increase of pension to Mildred C. Sexton; to the Committee on Invalid Pensions.

By Mr. CROSBY: A bill (H. R. 11155) to authorize the Commissioners of the District of Columbia to reappoint George Kimmel in the police department of said District; to the Committee on the District of Columbia.

By Mr. DIETRICH: A bill (H. R. 11156) granting a pension to Clark M. James; to the Committee on Pensions.

By Mr. DIMOND: A bill (H. R. 11157) granting a pension to Frances H. Cochran; to the Committee on Pensions.

By Mr. EDMISTON: A bill (H. R. 11158) granting an increase of pension to Anzina L. Harper; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11159) granting an increase of pension to Barbara Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11160) granting an increase of pension to Johanna E. Mouser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11161) granting an increase of pension to Susan C. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11162) granting an increase of pension to Lucinda Lauck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11163) granting an increase of pension to Cora L. Cole; to the Committee on Invalid Pensions.

By Mr. MILLARD: A bill (H. R. 11164) for the relief of Arthur Van Gestel, alias Arthur Goodsell; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H. R. 11165) for the relief of Gladys L. Dunn; to the Committee on Claims.

By Mr. WILCOX: A bill (H. R. 11166) granting a pension to Mary Hardy Milburn; to the Committee on Invalid Pensions.

By Mr. TAYLOR of South Carolina: Resolution (H. Res. 417) for the relief of Monnie Mae Brown and Dessie Mae Brown; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10088. By Mr. CRAWFORD: Petition of 60 residents of Shiawassee County, Mich., relative to printing of currency; to the Committee on Banking and Currency.

10089. Also, petition of 20 patrons of star route 37297, requesting legislation extending star-route contracts and for increased compensation thereon; to the Committee on the Post Office and Post Roads.

10090. By Mr. CUMMINGS: Petition of patrons of star route no. 65223, Kit Carson County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10091. Also, petition of patrons of star route no. 65196, Arapahoe County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10092. Also, petition of patrons of star route no. 65128, Larimer County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-

route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10093. Also, petition of patrons of star route no. 65122, Boulder County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10094. Also, petition of patrons of star route no. 65201, Jefferson County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10095. Also, petition of patrons of star route no. 65192, Arapahoe County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10096. By Mr. CULLEN: Petition of the Senate and Assembly of the State of New York, urging Congress to enact legislation for permanent flood-control works in some 16 counties of central and southern New York State which were on the 7th, 8th, and 9th of July 1935 devastated by disastrous floods resulting in loss of life and tremendous property damage; to the Committee on Interstate and Foreign Commerce.

10097. By Mr. ENGLEBRIGHT: Petition of Siskiyou County, Calif., endorsing the Townsend old-age revolving pension plan; to the Committee on Ways and Means.

10098. By Mr. JOHNSON of Texas: Petition of J. W. Norman Beauty Shop, Dawson; G. W. Hopson Beauty Shop, Mexia; and A. B. Hutson, route 2, Corsicana, all of the State of Texas, protesting against House bill 10124; to the Committee on Interstate and Foreign Commerce.

10099. Also, petition of Ralph W. Stell, of Corsicana, Tex., favoring House bill 8442; to the Committee on the Judiciary.

10100. By Mr. KENNEY: Petition of M. Louise Gross and other citizens of the State of New York, endorsing the national lottery bill, introduced by Representative KENNEY, of New Jersey; to the Committee on Ways and Means.

10101. Also, resolution presented by the Italian Civic Club of Cliffside and Fairview, Inc., of New Jersey, petitioning for an extension of the present neutrality legislation; to the Committee on Foreign Affairs.

10102. By Mr. KNIFFIN: Petition of Albert K. Altafee and others of Montpelier, Ohio, urging the immediate enactment of the Capper bill designed to prohibit the advertising of intoxicating beverages; to the Committee on Interstate and Foreign Commerce.

10103. Also, petition of Parent-Teacher's Association of Hicksville, Ohio, strongly endorsing the Guyer bill and favoring its immediate enactment; to the Committee on the District of Columbia.

10104. By Mr. LAMBERTSON: Petition of Merton Thistlethwaite and 33 other citizens of Tonganoxie, and Anna Russell and 62 other citizens of Oneida, State of Kansas, favoring passage of House bill 8739; to the Committee on the Judiciary.

10105. By Mr. LAMBETH: Petition signed by 81 patrons of star route no. 18176, from Gilreath to Wilkesboro, N. C., urging enactment of legislation at this session of Congress that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10106. By Mr. MOTT: Petition signed by 44 members of the Eugene Central Woman's Christian Temperance Union, Eugene, Oreg., urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10107. By Mr. PLUMLEY: Resolution of the American Legion, Department of Vermont, in convention assembled, that it go on record as favoring the passage of House bill 5921; to the Committee on Immigration and Naturalization.

10108. Also, resolution of the Barre Branch of the Granite Cutters' International Association, Barre, Vt., opposing the bill now pending before Congress, introduced by Representative KRAMER, to make it a crime to advocate the overthrow of

the Government by force and violence; to the Committee on the Judiciary.

10109. By the SPEAKER: Petition of various citizens of Camuy, P. R.; to the Committee on Insular Affairs.

SENATE

FRIDAY, FEBRUARY 14, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Wednesday, February 12, and Thursday, February 13, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Holt	Pittman
Ashurst	Copeland	Johnson	Pope
Bachman	Costigan	Keyes	Radcliffe
Bailey	Couzens	King	Reynolds
Barbour	Davis	La Follette	Robinson
Benson	Dickinson	Logan	Russell
Black	Dieterich	Lonergan	Schwellenbach
Bone	Donahey	Long	Sheppard
Borah	Duffy	McAdoo	Smith
Brown	Fletcher	McGill	Steiwer
Bulkeley	Frazier	McKellar	Thomas, Okla.
Bulow	George	McNary	Thomas, Utah
Burke	Gerry	Maloney	Townsend
Byrd	Gibson	Moore	Trammell
Byrnes	Glass	Murphy	Truman
Capper	Gore	Murray	Tydings
Caraway	Guffey	Neely	Vandenberg
Carey	Hale	Norbeck	Wagner
Chavez	Harrison	Norris	Walsh
Clark	Hatch	O'Mahoney	Wheeler
Connally	Hayden	Overton	

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness; and that the Senator from Mississippi [Mr. BILBO] and the Senator from Nevada [Mr. MCCARRAN] are necessarily detained from the Senate.

I further announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Illinois [Mr. LEWIS], the senior Senator from Indiana [Mr. VAN NUYS], and the junior Senator from Indiana [Mr. MINTON] are detained on important public business.

I ask that this announcement may stand for the day.

Mr. McNARY. I announce that the Senator from Vermont [Mr. AUSTIN], the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Delaware [Mr. HASTINGS], and the Senator from Maine [Mr. WHITE] are necessarily absent.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

SUSAN B. ANTHONY

Mr. WAGNER. Mr. President, I ask a few moments of the Senate's time to pay a birthday tribute to a great woman of America who lived the major portion of her life in the State of New York.

Abraham Lincoln and Susan B. Anthony were the two representative champions of freedom during the nineteenth century. One of them was born on February 12, 1809, to a poverty-stricken family in Kentucky. The other was born on February 15, 1820, to more comfortable circumstances in South Adams, Mass. One freed the colored man from physical slavery. The other liberated the white woman from a bondage that was both physical and spiritual.

Every schoolboy knows the life of Lincoln—knows by heart his early adversity, his homely wit, his majestic vision, his wisdom, his humanitarianism, his self-control, and his divine statesmanship. But why has Susan Anthony been a comparatively unheralded figure? Certainly the grace and maj-